



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**February 29, 2012**

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House File 2400

H-8072

1 Amend House File 2400 as follows:

2 1. Page 6, line 6, after <grounds.> by inserting  
3 <The commissioner shall only schedule such training  
4 courses at buildings or grounds that are accessible to  
5 and functional for persons with disabilities.>  
6 2. By striking page 7, line 33, through page 8,  
7 line 8, and inserting <shall not be counted. The  
8 commissioner shall post notice of petitions received,  
9 including the location of the requested satellite  
10 absentee voting station and the name or number of  
11 the precinct in which the station is requested to be  
12 located, on the county's internet site and at the  
13 commissioner's office.>

HUNTER of Polk



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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House File 2316

H-8073

1 Amend House File 2316 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 904A.1, Code 2011, is amended  
4 to read as follows:

5 **904A.1 Board of parole — divisions.**

6 1. The board of parole is created to consist of  
7 ~~five~~ six members. Each member, except the chairperson  
8 and the vice chairperson, shall be compensated on a  
9 day-to-day basis. Each member shall serve a term of  
10 four years beginning and ending as provided by section  
11 69.19, except for members appointed to fill vacancies  
12 who shall serve for the balance of the unexpired term.  
13 The terms shall be staggered. The chairperson and vice  
14 chairperson of the board shall be full-time, salaried  
15 members of the board.

16 2. The board of parole may be divided into  
17 divisions of three, five, or six members for the  
18 purpose of considering inmates for parole and work  
19 release. The board shall prescribe rules to provide  
20 for the submission of cases to the entire board or to  
21 the separate divisions. A majority of the members of  
22 the board or of a division of the board constitutes a  
23 quorum to transact business.

24 Sec. \_\_\_\_\_. Section 904A.4, subsection 1, Code 2011,  
25 is amended to read as follows:

26 1. The board of parole shall interview and consider  
27 inmates for parole and work release and a simple  
28 majority vote of the members of the board or of a  
29 division of the board is required to grant a parole or  
30 work release.

31 Sec. \_\_\_\_\_. Section 904A.4B, Code 2011, is amended by  
32 adding the following new subsection:

33 **NEW SUBSECTION. 3.** The executive director or  
34 acting executive director shall be a licensed attorney  
35 admitted to practice law in this state beginning July  
36 1, 2012.

37 Sec. \_\_\_\_\_. Section 904A.6, Code 2011, is amended to  
38 read as follows:

39 **904A.6 Salaries and expenses.**

40 Each member, except the chairperson ~~and the vice~~  
41 ~~chairperson~~, of the board shall be paid per diem as  
42 determined by the general assembly. The chairperson  
43 ~~and vice chairperson~~ of the board shall be paid a  
44 salary as determined by the general assembly. Each  
45 member of the board and all employees are entitled to  
46 receive, in addition to their per diem or salary, their  
47 necessary maintenance and travel expenses while engaged  
48 in official business.>

49 2. Page 1, by striking lines 32 and 33 and  
50 inserting:

HF2316.4473 (3) 84

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jm/rj

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1 <Sec. \_\_\_\_\_. EFFECTIVE DATE. The following provision  
2 or provisions of this Act take effect upon enactment:  
3 1. The section of this Act amending section 907.3.  
4 2. The section of this Act establishing the waiver  
5 of rights under Anderson v. State.>  
6 3. Title page, line 2, after <probation,> by  
7 inserting <and establishing operational policies and  
8 procedures for the board of parole,>

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R. OLSON of Polk



Iowa General Assembly  
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House File 2391

H-8074

1 Amend House File 2391 as follows:

2 1. Page 1, after line 25 by inserting:

3 <Sec. \_\_\_\_\_. Section 904A.1, Code 2011, is amended to  
4 read as follows:

5 **904A.1 Board of parole — divisions.**

6 1. The board of parole is created to consist of  
7 ~~five~~ six members. Each member, except the chairperson  
8 and the vice chairperson, shall be compensated on a  
9 day-to-day basis. Each member shall serve a term of  
10 four years beginning and ending as provided by section  
11 69.19, except for members appointed to fill vacancies  
12 who shall serve for the balance of the unexpired term.  
13 The terms shall be staggered. The chairperson and vice  
14 chairperson of the board shall be full-time, salaried  
15 members of the board.

16 2. The board of parole may be divided into  
17 divisions of three, five, or six members for the  
18 purpose of considering inmates for parole and work  
19 release. The board shall prescribe rules to provide  
20 for the submission of cases to the entire board or to  
21 the separate divisions. A majority of the members of  
22 the board or of a division of the board constitutes a  
23 quorum to transact business.

24 Sec. \_\_\_\_\_. Section 904A.4, subsection 1, Code 2011,  
25 is amended to read as follows:

26 1. The board of parole shall interview and consider  
27 inmates for parole and work release and a simple  
28 majority vote of the members of the board or of a  
29 division of the board is required to grant a parole or  
30 work release.

31 Sec. \_\_\_\_\_. Section 904A.4B, Code 2011, is amended by  
32 adding the following new subsection:

33 **NEW SUBSECTION. 3.** Beginning July 1, 2012, the  
34 executive director or acting executive director shall  
35 be a licensed attorney admitted to practice law in this  
36 state.

37 Sec. \_\_\_\_\_. Section 904A.6, Code 2011, is amended to  
38 read as follows:

39 **904A.6 Salaries and expenses.**

40 Each member, except the chairperson ~~and the vice~~  
41 ~~chairperson~~, of the board shall be paid per diem as  
42 determined by the general assembly. The chairperson  
43 ~~and vice chairperson~~ of the board shall be paid a  
44 salary as determined by the general assembly. Each  
45 member of the board and all employees are entitled to  
46 receive, in addition to their per diem or salary, their  
47 necessary maintenance and travel expenses while engaged  
48 in official business.>

49 2. Page 3, by striking lines 1 and 2 and inserting:

50 <Sec. \_\_\_\_\_. EFFECTIVE DATE. The following

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1 provisions of this Act take effect January 1, 2013:  
2 1. The section of this Act enacting section  
3 217.13A.  
4 2. The section of this Act enacting section  
5 906.20.>  
6 3. Title page, line 1, after <Act> by inserting  
7 <relating to parole and the board of parole, including  
8 by>  
9 4. Title page, line 2, after <corrections> by  
10 inserting <and modifying the qualifications for and  
11 operations of the board>  
12 5. By renumbering as necessary.

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R. OLSON of Polk



Iowa General Assembly  
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House File 2361

H-8075

- 1 Amend House File 2361 as follows:  
2 1. Page 3, after line 20 by inserting:  
3 <0g. A governing board for a publicly owned zoo,  
4 library, community center, or park, or for a health  
5 care facility that receives reimbursement under the  
6 medical assistance program from adopting and enforcing  
7 rules regulating or prohibiting persons from carrying  
8 or possessing firearms, firearm accessories, or  
9 ammunition in the buildings or on the grounds of such  
10 zoo, library, community center, park, or health care  
11 facility.>  
12 2. By renumbering as necessary.

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KRESSIG of Black Hawk



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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House File 2405 - Introduced

HOUSE FILE 2405  
BY KELLEY

A BILL FOR

1 An Act establishing an energy efficiency training curriculum  
2 applicable to designated school district employees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5689YH (3) 84  
rn/rj





Iowa General Assembly  
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H.F. 2405

1 Section 1. NEW SECTION. 297.7A Energy efficiency training  
2 curriculum established.

3 1. The department of education, in coordination with  
4 the economic development authority and the utilities board  
5 of the utilities division of the department of commerce,  
6 shall establish an energy efficiency training curriculum.  
7 The objective of the curriculum shall be to encourage the  
8 development and application of technical expertise in  
9 maximizing the utilization of energy efficiency equipment  
10 and making structural upgrades to existing school buildings  
11 by school district maintenance and operations personnel.  
12 Additionally, the curriculum shall educate school district  
13 maintenance and operations personnel in energy-efficient  
14 cleaning product utilization; heating, cooling, and lighting  
15 efficiency and conservation; and recycling practices and  
16 techniques. The curriculum shall be available to any school  
17 district electing to receive it, and shall be delivered in a  
18 form and manner as determined by the department by rule.

19 2. The department shall submit a report by January 1  
20 annually regarding the results of the establishment of the  
21 training curriculum to the general assembly.

22 EXPLANATION

23 This bill establishes an energy efficiency training  
24 curriculum applicable to designated school district employees.

25 The bill directs the department of education, in  
26 coordination with the economic development authority and the  
27 Iowa utilities board, to establish the curriculum with the  
28 objective of encouraging the development and application of  
29 technical expertise in maximizing the utilization of energy  
30 efficiency equipment and making structural upgrades to  
31 existing school buildings by school district maintenance and  
32 operations personnel. Additionally, the bill specifies that  
33 the curriculum shall educate school district maintenance and  
34 operations personnel in energy-efficient cleaning product  
35 utilization; heating, cooling, and lighting efficiency and

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1 conservation; and recycling practices and techniques. The bill  
2 provides that the curriculum shall be available to any school  
3 district electing to receive it, and shall be delivered in a  
4 form and manner as determined by the department by rule.  
5 The bill requires the department to submit a report by  
6 January 1 annually regarding the results of the establishment  
7 of the training curriculum to the general assembly.



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House File 2406 - Introduced

HOUSE FILE 2406  
BY COMMITTEE ON COMMERCE  
  
(SUCCESSOR TO HSB 599)

A BILL FOR

1 An Act relating to eligibility for the renewable energy tax  
2 credit.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5577HV (1) 84  
rn/sc



Iowa General Assembly  
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H.F. 2406

1 Section 1. Section 476C.1, Code Supplement 2011, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 4A. "*Cogeneration facility*" means a  
4 facility in this state in which the same energy source is  
5 utilized for the sequential generation of electrical or  
6 mechanical power in combination with steam, heat, or other  
7 forms of useful energy.

8 Sec. 2. Section 476C.1, subsection 6, unnumbered paragraph  
9 1, Code Supplement 2011, is amended to read as follows:

10 "*Eligible renewable energy facility*" means a wind energy  
11 conversion facility, a biogas recovery facility, a biomass  
12 conversion facility, a methane gas recovery facility, a solar  
13 energy conversion facility, ~~or~~ a refuse conversion facility,  
14 or a natural gas cogeneration facility that meets all of the  
15 following requirements:

16 Sec. 3. Section 476C.3, subsection 4, paragraph b, Code  
17 Supplement 2011, is amended to read as follows:

18 *b.* The maximum amount of energy production capacity  
19 equivalent of all other facilities the board may find eligible  
20 under this chapter shall not exceed a combined output of  
21 fifty-three megawatts of nameplate generating capacity and  
22 one hundred sixty-seven billion British thermal units of heat  
23 for a commercial purpose. Of the maximum amount of energy  
24 production capacity equivalent of all other facilities found  
25 eligible under this chapter, no more than ten megawatts of  
26 nameplate generating capacity or energy production capacity  
27 equivalent shall be allocated to any one facility. Of the  
28 maximum amount of energy production capacity equivalent of all  
29 other facilities found eligible under this chapter, fifty-five  
30 billion British thermal units of heat for a commercial purpose  
31 shall be reserved for an eligible facility that is a refuse  
32 conversion facility for processed, engineered fuel from a  
33 multicounty solid waste management planning area. The maximum  
34 amount of energy production capacity the board may find  
35 eligible for a single refuse conversion facility is fifty-five

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1 billion British thermal units of heat for a commercial purpose.  
2 Of the maximum amount of energy production capacity equivalent  
3 of all other facilities found eligible under this chapter, an  
4 amount equivalent to ten megawatts of nameplate generating  
5 capacity shall be reserved for ~~eligible renewable energy~~  
6 natural gas cogeneration facilities incorporated within or  
7 associated with an ethanol ~~cogeneration~~ plant engaged in the  
8 sale of ethanol ~~to states to meet~~ assist the ethanol plant in  
9 meeting a low carbon fuel standard.

10 EXPLANATION

11 This bill modifies provisions relating to reserving  
12 specified amounts of energy production capacity equivalent for  
13 designated facilities in qualifying for the renewable energy  
14 tax credit provided in Code chapter 476C.

15 The Code chapter provides that the maximum amount of energy  
16 production capacity equivalent of nonwind energy facilities  
17 eligible for the tax credit shall not exceed a specified  
18 combined output level. Currently, out of this amount, a  
19 maximum of 10 megawatts of nameplate generating capacity is  
20 reserved for eligible renewable energy facilities incorporated  
21 within or associated with an ethanol cogeneration plant  
22 engaged in the sale of ethanol to states to meet a low carbon  
23 fuel standard. The bill modifies this provision to restrict  
24 the reserved amount to natural gas cogeneration facilities  
25 associated with the ethanol plant. The bill also deletes  
26 reference to an ethanol "cogeneration" plant, and changes the  
27 provision that the plant is engaged in the sale of ethanol to  
28 states to meet a low carbon fuel standard to specify that the  
29 plant is engaged in the sale of ethanol, without reference to  
30 other states, in order to assist an ethanol plant in meeting a  
31 low carbon fuel standard.

32 The bill defines "cogeneration facility" to mean a facility  
33 in this state in which the same energy source is utilized for  
34 the sequential generation of electrical or mechanical power  
35 in combination with steam, heat, or other forms of useful

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1 energy. The bill adds natural gas cogeneration facilities to  
2 the list of facilities designated as eligible renewable energy  
3 facilities qualifying for the renewable energy tax credit.



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House File 2407 - Introduced

HOUSE FILE 2407  
BY COMMITTEE ON COMMERCE  
  
(SUCCESSOR TO HF 2105)

A BILL FOR

1 An Act requiring the commissioner of insurance to develop a  
2 uniform application for use by individuals applying for  
3 new health insurance coverage under individual policies or  
4 contracts of accident and health insurance and providing for  
5 contingent applicability.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5388HV (3) 84  
av/nh



Iowa General Assembly  
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H.F. 2407

1     Section 1. **NEW SECTION. 514A.5A Uniform application form.**  
2     The commissioner shall develop, by rule, a uniform  
3 application form for use by individuals applying for new health  
4 insurance coverage under an individual policy or contract of  
5 accident and health insurance written by an Iowa or non-Iowa  
6 company or association duly licensed in this state as provided  
7 in section 514A.1. The uniform application form shall be used  
8 by all such companies and associations not less than six months  
9 after the rules developing the form become effective under  
10 chapter 17A.

11    Sec. 2. **APPLICABILITY.** This Act applies only if provisions  
12 of the federal Patient Protection and Affordable Care Act,  
13 Pub. L. No. 111-148, as amended by the federal Health Care and  
14 Education Reconciliation Act of 2010, Pub. L. No. 111-152, and  
15 any amendments thereto, that require a uniform application form  
16 for use by individuals applying for health insurance coverage  
17 are repealed or are invalidated by a decision of the United  
18 States Supreme Court.

19                                   **EXPLANATION**

20    This bill requires the commissioner of insurance to develop,  
21 by rule, a uniform application form for use by individuals  
22 applying for new health insurance coverage under an individual  
23 policy or contract of accident and health insurance written by  
24 a duly licensed Iowa or non-Iowa company or association.

25    The uniform application form shall be used by all such  
26 companies and associations not less than six months after rules  
27 developing the form become effective under Code chapter 17A.

28    Small employer health insurance carriers have been required  
29 to provide a uniform application for use by small employers  
30 since 2007.

31    The provisions of the bill apply only if the uniform  
32 application form requirements contained in the federal  
33 Patient Protection and Affordable Care Act are repealed or are  
34 invalidated by a decision of the United States Supreme Court.

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House File 2408 - Introduced

HOUSE FILE 2408  
BY COMMITTEE ON COMMERCE  
  
(SUCCESSOR TO HSB 533)

A BILL FOR

1 An Act relating to third-party payment of services provided by  
2 a doctor of chiropractic.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5475HV (1) 84  
av/nh



Iowa General Assembly  
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H.F. 2408

1 Section 1. NEW SECTION. 514C.29 Services provided by a  
2 doctor of chiropractic.

3 1. Notwithstanding the uniformity of treatment requirements  
4 of section 514C.6, a policy, contract, or plan providing  
5 for third-party payment or prepayment of health or medical  
6 expenses shall not impose a copayment or coinsurance amount on  
7 an insured for services provided by a doctor of chiropractic  
8 licensed pursuant to chapter 151 that is greater than the  
9 copayment or coinsurance amount imposed on the insured for  
10 services provided by a person engaged in the practice of  
11 medicine and surgery or osteopathic medicine and surgery under  
12 chapter 148 for the same or a similar diagnosed condition even  
13 if a different nomenclature is used to describe the condition  
14 for which the services are provided.

15 2. This section applies to the following classes of  
16 third-party payment provider policies, contracts, or plans  
17 delivered, issued for delivery, continued, or renewed in this  
18 state on or after July 1, 2012:

19 a. Individual or group accident and sickness insurance  
20 providing coverage on an expense-incurred basis.

21 b. An individual or group hospital or medical service  
22 contract issued pursuant to chapter 509, 514, or 514A.

23 c. An individual or group health maintenance organization  
24 contract regulated under chapter 514B.

25 d. A plan established pursuant to chapter 509A for public  
26 employees.

27 e. An organized delivery system licensed by the director of  
28 public health.

29 3. This section shall not apply to accident-only,  
30 specified disease, short-term hospital or medical, hospital  
31 confinement indemnity, credit, dental, vision, Medicare  
32 supplement, long-term care, basic hospital and medical-surgical  
33 expense coverage as defined by the commissioner, disability  
34 income insurance coverage, coverage issued as a supplement  
35 to liability insurance, workers' compensation or similar

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H.F. 2408

1 insurance, or automobile medical payment insurance.

2 EXPLANATION

3 This bill provides that a policy, contract, or plan  
4 providing for third-party payment or prepayment of health or  
5 medical expenses shall not impose a copayment or coinsurance  
6 amount on an insured for services provided by a doctor of  
7 chiropractic that is greater than the copayment or coinsurance  
8 amount imposed on the insured for services rendered by a person  
9 engaged in the practice of medicine and surgery or osteopathic  
10 medicine and surgery for the same or a similar diagnosed  
11 condition even if a different nomenclature is used to describe  
12 the condition for which the services are provided.

13 The bill applies to specified individual and group policies,  
14 contracts, and plans that are issued for delivery, continued,  
15 or renewed in this state on or after July 1, 2012.



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House File 2409 - Introduced

HOUSE FILE 2409  
BY COMMITTEE ON NATURAL  
RESOURCES

(SUCCESSOR TO HSB 616)

A BILL FOR

1 An Act relating to various recreation and conservation  
2 activities under the purview of the department of natural  
3 resources, providing for repeals, and making penalties  
4 applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5217HV (2) 84  
av/nh



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H.F. 2409

1 Section 1. Section 461A.35, Code 2011, is amended to read  
2 as follows:

3 **461A.35 Prohibited destructive acts.**

4 1. It shall be unlawful for any person to use, enjoy  
5 the privileges of, destroy, injure, or deface plant life,  
6 trees, buildings, or other natural or material property, or  
7 to construct or operate for private or commercial purposes  
8 any structure, or to remove any plant life, trees, buildings,  
9 sand, gravel, ice, earth, stone, wood, or other natural  
10 material, or to operate vehicles, within the boundaries of  
11 any state park, preserve, or stream or any other lands or  
12 waters under the jurisdiction of the commission for any purpose  
13 whatsoever, except upon the terms, conditions, limitations, and  
14 restrictions as set forth by the commission.

15 2. A person who violates this section commits a simple  
16 misdemeanor, punishable as a scheduled violation pursuant to  
17 section 805.8B, subsection 6, paragraph "c".

18 Sec. 2. Section 461A.42, subsection 2, Code 2011, is amended  
19 to read as follows:

20 2. The use of fireworks, as defined in section 727.2, in  
21 state parks and preserves is prohibited except as authorized  
22 by a permit issued by the department. The commission shall  
23 establish, by rule adopted pursuant to chapter 17A, a fireworks  
24 permit system which authorizes the issuance of a limited number  
25 of permits to qualified persons to use or display fireworks in  
26 selected state parks and preserves.

27 3. A person violating this subsection section is guilty of a  
28 simple misdemeanor punishable as a scheduled violation pursuant  
29 to section 805.8B, subsection 6, paragraph "c". In addition  
30 to any other penalties, the punishment imposed for a violation  
31 of this subsection shall include assessment of a fine of not  
32 less than two hundred fifty dollars. The court shall order  
33 restitution if any damages were caused by the violation which  
34 may include, but is not limited to, community service.

35 Sec. 3. Section 461A.57, Code 2011, is amended to read as

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1 follows:

2 **461A.57 Penalties.**

3 Any person violating any of the provisions of sections  
4 ~~461A.35~~ 461A.36 to 461A.41, 461A.43, and 461A.45 to 461A.56 is  
5 guilty of a simple misdemeanor.

6 Sec. 4. Section 481A.1, subsection 7, Code 2011, is amended  
7 to read as follows:

8 7. "*Bait*" includes, but is not limited to, minnows, green  
9 sunfish, orange-spotted sunfish, gizzard shad, frogs, crayfish,  
10 and salamanders, and mussels.

11 Sec. 5. Section 481A.6A, subsection 1, Code 2011, is amended  
12 to read as follows:

13 1. As used in this section, "*pen-reared pheasant*" means a  
14 Chinese ring-necked pheasant (*Phasianus colchicus torquatus*)  
15 which originates from a captive population and which has  
16 been propagated and held by a hatchery. For the purposes of  
17 this section "*pen-reared pheasant*" does not include a Reeves  
18 (*Syrnaticus reevesii*) or Lady Amherst (*Chrysolophus amherstiae*)  
19 pheasant, a subspecies of the Chinese ring-necked pheasant  
20 such as a Japanese (*Phasianus versicolor*) or a Black-necked (*P.*  
21 *colchicus colchicus*) pheasant, or a melanistic mutant (black,  
22 white, or other color mix) of the Chinese ring-necked pheasant.

23 Sec. 6. NEW SECTION. 481A.17 Target shooting sports  
24 program.

25 The department shall establish a target shooting sports  
26 program to promote recreational target shooting sports. The  
27 purposes of the program shall be to introduce more Iowans  
28 to target shooting sports, promote existing target shooting  
29 programs, provide more target shooting facilities, and improve  
30 existing target shooting facilities. The commission may adopt  
31 rules to achieve these purposes.

32 Sec. 7. Section 481A.131, Code 2011, is amended to read as  
33 follows:

34 **481A.131 Judgment — execution.**

35 1. In each case of conviction of unlawfully taking,

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1 catching, killing, injuring, destroying, or having in  
2 possession any fish, game, or fur-bearing animal, the court  
3 shall enter a judgment in favor of the state of Iowa for  
4 liquidated damages in an amount as provided in section  
5 481A.130, ~~and it shall be the duty of the commission and~~  
6 ~~the prosecuting attorney or attorney general, to collect the~~  
7 ~~liquidated damages by execution or otherwise.~~ If two or more  
8 persons who have acted together are convicted of the unlawful  
9 taking, catching, killing, injuring, destroying, or having  
10 possession of any fish, game, or fur-bearing animal, the  
11 judgment shall be entered against them jointly.

12 2. Any liquidated damages ~~received~~ assessed under this  
13 section and section 481A.130 shall be ~~remitted~~ paid to the  
14 clerk of court. The clerk of court shall remit the damages  
15 paid to the treasurer of state who department of natural  
16 resources. The department of natural resources shall credit  
17 such damages to the state fish and game protection fund.

18 3. The return of any uninjured fish, game, or fur-bearing  
19 animal which has been unlawfully taken, caught, or possessed,  
20 to the place where taken or caught or to any other place  
21 approved by the commission, shall constitute the discharge of  
22 any liquidated damages provided under section 481A.130.

23 4. Civil suits for the collection of judgments may be  
24 prosecuted by the attorney general or by county attorneys.

25 Sec. 8. Section 481A.142, subsection 5, paragraph a, Code  
26 2011, is amended to read as follows:

27 a. Sell bait, including minnows, and frogs, ~~and clams,~~  
28 propagated or raised within the licensed unit without having  
29 to obtain a bait dealer's license. However, aquaculture units  
30 wishing to take bait from areas other than their licensed units  
31 must also obtain a bait dealer's license.

32 Sec. 9. Section 481A.144, subsection 1, Code 2011, is  
33 amended to read as follows:

34 1. A person shall not sell minnows, frogs, crayfish, or  
35 ~~salamanders, and mussels~~ for fish bait without first obtaining

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1 a bait dealer's license from the department upon payment  
2 of the license fee. A licensee shall comply with all laws  
3 pertaining to taking, possessing, and selling of bait handled  
4 by the licensee. If convicted of violating a provision of this  
5 chapter or a rule adopted pursuant to this chapter, a licensee  
6 shall forfeit the licensee's bait dealer license upon demand of  
7 the director.

8 Sec. 10. Section 482.2, subsections 3, 7, 10, and 11, Code  
9 2011, are amended to read as follows:

10 3. "*Commercial fisher*" means a person who is licensed by  
11 the state to take, attempt to take, possess, transport, sell,  
12 barter, or trade ~~turtles or turtle eggs~~, commercial fish except  
13 roe species, or fish parts except roe. A commercial fisher may  
14 take, possess, or transport turtles or turtle eggs, or sell,  
15 barter, or trade turtles or turtle eggs to a commercial turtle  
16 buyer.

17 7. "*Commercial roe harvester*" means a person who is licensed  
18 by the state to engage in the harvest and sale, barter, or  
19 trade of roe and roe species to a commercial roe buyer.

20 10. "*Commercial turtle harvester*" means a person who is  
21 licensed by the state to take, attempt to take, possess, or  
22 transport commercial turtles or turtle eggs, and sell, barter,  
23 or trade commercial turtles or turtle eggs to a commercial  
24 turtle buyer.

25 11. "*Commercial turtle harvesting*" means taking, attempting  
26 to take, possessing, or transporting of commercial turtles or  
27 turtle eggs for the purpose of selling, bartering, trading,  
28 offering, or exposing for sale commercial turtles or turtle  
29 eggs to a commercial turtle buyer.

30 Sec. 11. Section 482.4, subsection 3, Code 2011, is amended  
31 to read as follows:

32 3. Commercial fishers and commercial turtle harvesters  
33 shall ~~purchase gear tags from the commission to be affixed~~  
34 provide and affix weather-resistant gear tags to each piece  
35 of gear in use. ~~Notwithstanding the fee rates for gear tags~~

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~~1 under subsection 6, the minimum fee is five dollars. All~~  
~~2 tags are valid for ten years from the date of issue. In~~  
~~3 addition to the gear tags, all gear shall be tagged with a Each~~  
~~4 weather-resistant gear tag showing shall plainly show the name~~  
~~5 and, address, and commercial license number of the licensee and~~  
~~6 whether the gear is fish or turtle gear.~~

7 Sec. 12. Section 482.4, subsection 4, Code 2011, is amended  
8 by striking the subsection.

9 Sec. 13. Section 482.4, subsection 6, Code 2011, is amended  
10 by striking the subsection and inserting in lieu thereof the  
11 following:

12 6. Commercial fish and turtle gear tags are required on the  
13 following units of commercial gear:

- 14 a. Seine.
- 15 b. Trammel net.
- 16 c. Gill net.
- 17 d. Entrapment nets.
- 18 e. Commercial trotline.
- 19 f. Commercial turtle trap.

20 Sec. 14. Section 482.4, subsection 7, Code 2011, is amended  
21 by striking the subsection.

22 Sec. 15. Section 482.11, subsection 1, paragraph a, Code  
23 2011, is amended to read as follows:

24 a. A commercial turtle harvester license is required  
25 to operate commercial gear and to take, attempt to take,  
26 possess, or transport commercial turtles or turtle eggs, or  
27 sell, barter, or trade commercial turtles or turtle eggs to  
28 a commercial turtle buyer. Nonresident commercial turtle  
29 harvesters shall harvest commercial turtles only from the  
30 boundary waters.

31 Sec. 16. Section 482.14, subsection 3, Code 2011, is amended  
32 to read as follows:

33 3. Commercial turtle harvesters shall utilize a dated  
34 receipt with at least two parts, with one original and one  
35 copy of each receipt, that contains the species, number, and



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1 pounds of turtles sold, bartered, or traded. Commercial turtle  
2 harvesters shall retain a copy of each receipt for five years  
3 following the transaction. A purchaser of commercial turtles  
4 shall retain a copy of the receipt for as long as the purchaser  
5 is in possession of the turtles.

6 Sec. 17. Section 483A.1, subsection 2, paragraph s, Code  
7 2011, is amended by striking the paragraph.

8 Sec. 18. Section 805.8B, subsection 6, paragraph c, Code  
9 2011, is amended to read as follows:

10 c. For violations of section sections 461A.35, 461A.42, and  
11 461A.44, the scheduled fine is fifty dollars.

12 Sec. 19. REPEAL. Chapter 568, Code and Code Supplement  
13 2011, is repealed.

14 EXPLANATION

15 This bill relates to various recreation and conservation  
16 activities under the purview of the department of natural  
17 resources, provides for repeals, and makes penalties  
18 applicable.

19 Code section 461A.35 is amended to provide that a person who  
20 commits certain destructive acts on state parks, preserves,  
21 or other lands or waters under the control of the natural  
22 resource commission commits a simple misdemeanor, punishable  
23 as a scheduled violation with a fine of \$50 pursuant to Code  
24 section 805.8B(6)(c). Currently, such an offense is punishable  
25 as a simple misdemeanor.

26 Code section 461A.42(2) is amended to provide that a  
27 person who violates prohibitions against the use of firearms,  
28 explosives, weapons, and fireworks in state parks and  
29 preserves commits a simple misdemeanor, punishable as a  
30 scheduled violation with a fine of \$50 pursuant to Code  
31 section 805.8B(6)(c). Currently, a violation of the weapon and  
32 firearms prohibitions is punishable as a simple misdemeanor.  
33 A violation of the fireworks prohibition is punishable  
34 as a simple misdemeanor with a minimum fine of \$250 and a  
35 requirement of restitution if any damages were caused by the

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1 violation, which may include but is not limited to community  
2 service.

3 Code section 461A.57 is amended to coordinate with the  
4 changes to 461A.35 and 461A.42.

5 Code section 481A.1(7) is amended to remove mussels from the  
6 definition of bait.

7 Code section 481A.6A(1) is amended to specify that a  
8 "pen-reared pheasant" that can be obtained by owners or tenants  
9 of land from a hatchery and raised or released on that person's  
10 land includes only a Chinese ring-necked pheasant and does not  
11 include other specified types of pheasants.

12 New Code section 481A.17 authorizes the department to  
13 establish a target shooting sports program to promote  
14 recreational target shooting sports and to adopt rules to  
15 achieve the specified purposes of the program.

16 Code section 481A.131 is amended to remove a requirement  
17 that the natural resource commission and the prosecuting  
18 attorney or attorney general collect liquidated damages  
19 collectible upon a conviction of unlawful taking, catching,  
20 killing, injuring, destroying, or possessing fish, game, or  
21 fur-bearing animals. Instead, any liquidated damages assessed  
22 shall be paid to the clerk of court and remitted to the  
23 department of natural resources and credited to the state fish  
24 and game protection fund.

25 Code section 481A.142 is amended to provide that a holder of  
26 an aquaculture unit license cannot sell clams as bait.

27 Code section 481A.144 is amended to provide that a licensed  
28 bait dealer cannot sell mussels for fish bait.

29 Code section 482.2 is amended to provide that a licensed  
30 commercial fisher is allowed to sell, barter, or trade turtles  
31 or turtle eggs to a commercial turtle buyer, a licensed  
32 commercial roe harvester is allowed to sell, barter, or trade  
33 roe and roe species to a commercial roe buyer, and a licensed  
34 commercial turtle harvester is allowed to sell, barter, or  
35 trade commercial turtles or turtle eggs to a commercial turtle

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1 buyer.

2 Code section 482.4(3) is amended to require commercial  
3 fishers and commercial turtle harvesters to provide and  
4 affix weather-resistant gear tags to each piece of gear in  
5 use instead of purchasing the tags from the natural resource  
6 commission. Each gear tag must plainly show the name, address,  
7 and commercial license number of the licensee and whether the  
8 gear is fish or turtle gear.

9 Code section 482.4(4) providing that all numbered fish gear  
10 tags are interchangeable among the different types of gear is  
11 stricken.

12 Code section 482.4(6) and (7) are amended to delete fees for  
13 gear tags required on the specified units of commercial gear.

14 Code section 482.11(1)(a) is amended to provide that a  
15 commercial turtle harvester licensee can sell, barter, or trade  
16 commercial turtles or turtle eggs to a commercial turtle buyer.

17 Code section 483A.1(2)(s) providing for the sale of a  
18 falconry license to nonresidents is stricken.

19 Code chapter 568, which authorizes the sale of certain  
20 islands and abandoned river channels, is repealed.



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House File 2410 - Introduced

HOUSE FILE 2410  
BY COMMITTEE ON NATURAL  
RESOURCES

(SUCCESSOR TO HSB 615)

(COMPANION TO SF 2223 BY  
COMMITTEE ON NATURAL RESOURCES  
AND ENVIRONMENT)

A BILL FOR

1 An Act relating to the regulation of snowmobiles, all-terrain  
2 vehicles, and watercraft by the department of natural  
3 resources, establishing fees, and making penalties  
4 applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321G.1, Code 2011, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 5A. "*Designated snowmobile trail*" means  
4 a snowmobile riding trail on any public land, private land,  
5 or public ice that has been designated by the department,  
6 a political subdivision, or a controlling authority for  
7 snowmobile use.

8 NEW SUBSECTION. 5B. "*Direct supervision*" means to provide  
9 supervision of another person while maintaining visual and  
10 verbal contact at all times.

11 NEW SUBSECTION. 11A. "*Nonresident*" means a person who is  
12 not a resident of this state.

13 NEW SUBSECTION. 15A. "*Public ice*" means any frozen,  
14 navigable waters within the territorial limits of this state  
15 and the frozen marginal river areas adjacent to this state,  
16 other than farm ponds, that are under the jurisdiction of the  
17 commission.

18 NEW SUBSECTION. 16A. "*Public water*" means any navigable  
19 waters within the territorial limits of this state and the  
20 marginal river areas adjacent to this state, other than farm  
21 ponds, that are under the jurisdiction of the commission.

22 NEW SUBSECTION. 17A. "*Resident*" means as defined in section  
23 483A.1A.

24 Sec. 2. Section 321G.1, subsections 19 and 21, Code 2011,  
25 are amended to read as follows:

26 19. ~~"Safety~~ "Education certificate" means a snowmobile  
27 ~~safety~~ education certificate, approved by the commission, which  
28 is issued to a qualified applicant who is twelve years of age  
29 or older.

30 21. "*Special event*" means an organized race, exhibition, or  
31 demonstration of limited duration which is conducted on public  
32 land, or public ice, or a designated snowmobile trail under  
33 the jurisdiction of the commission according to a prearranged  
34 schedule and in which general public interest is manifested.

35 Sec. 3. Section 321G.1, Code 2011, is amended by adding the

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1 following new subsection:

2 NEW SUBSECTION. 23. "Water skipping" means the operation  
3 of a snowmobile on the surface of water by utilizing the skis,  
4 track, and bottom surface area of the snowmobile for flotation  
5 while the snowmobile is in motion.

6 Sec. 4. Section 321G.2, subsection 1, paragraphs c, e, f,  
7 and h, Code 2011, are amended to read as follows:

8 c. Use of snowmobiles on designated snowmobile trails and  
9 public lands under the jurisdiction of the commission.

10 e. Establishment of a program of grants, subgrants,  
11 and contracts to be administered by the department for the  
12 development, maintenance, signing, and operation of designated  
13 snowmobile trails and the operation of grooming equipment by  
14 political subdivisions and incorporated private organizations.

15 f. Issuance of safety education certificates.

16 h. Issuance of annual user permits for nonresidents and  
17 establishment of administrative fees for issuance of the  
18 permits.

19 Sec. 5. Section 321G.2, subsection 1, Code 2011, is amended  
20 by adding the following new paragraph:

21 NEW PARAGRAPH. 1. Maintenance, signing, and operation of  
22 designated snowmobile trails.

23 Sec. 6. Section 321G.3, Code 2011, is amended to read as  
24 follows:

25 **321G.3 Registration required — penalties.**

26 1. Each snowmobile used on public land ~~or, public ice, or a~~  
27 designated snowmobile trail of this state shall be currently  
28 registered. A person shall not operate, maintain, or give  
29 permission for the operation or maintenance of a snowmobile  
30 on public land ~~or, public ice, or a designated snowmobile~~  
31 trail unless the snowmobile is registered in accordance with  
32 this chapter or applicable federal laws or ~~the snowmobile~~  
33 ~~displays a current annual user permit decal issued for the~~  
34 ~~snowmobile as provided in section 321G.4A~~ in accordance with an  
35 approved numbering system of another state and the evidence of

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1 registration is in full force and effect. A snowmobile must  
2 also be issued a user permit in accordance with this chapter.

3 ~~2. A registration certificate and registration decal shall~~  
4 ~~be assigned, without payment of fee, to snowmobiles owned~~  
5 ~~by the state of Iowa or its political subdivisions. The~~  
6 ~~registration decal shall be displayed on the snowmobile as~~  
7 ~~required under section 321G.5. A registration certificate~~  
8 ~~shall be assigned, without payment of a registration fee, for~~  
9 ~~a snowmobile which is exempt from registration but is being~~  
10 ~~titled, upon payment of a writing fee as provided in section~~  
11 ~~321G.27 and an administrative fee. A registration decal shall~~  
12 ~~not be issued and the registration shall not expire while the~~  
13 ~~snowmobile is exempt. The application for registration and~~  
14 ~~the registration certificate shall indicate the reason for~~  
15 ~~exemption from the registration fee.~~

16 ~~3.~~ 2. A violation of subsection 1 ~~or~~ 2 is punishable as  
17 a scheduled violation under section 805.8B, subsection 2,  
18 paragraph "a". When the scheduled fine is paid, the violator  
19 shall submit proof to the department that a valid registration  
20 ~~or~~ and user permit ~~has~~ have been obtained by providing a copy  
21 of the registration ~~or~~ and user permit to the department within  
22 thirty days of the date the fine is paid. A person who violates  
23 this subsection is guilty of a simple misdemeanor.

24 Sec. 7. Section 321G.4, subsection 2, Code 2011, is amended  
25 to read as follows:

26 2. The owner of the snowmobile shall file an application for  
27 registration with the department through a the county recorder  
28 of the county of residence, or in the case of a nonresident  
29 owner, in the county of primary use, in the manner established  
30 by the commission. The application shall be completed by the  
31 owner and shall be accompanied by a fee of fifteen dollars and  
32 a writing fee as provided in section 321G.27. A snowmobile  
33 shall not be registered by the county recorder until the  
34 county recorder is presented with receipts, bills of sale,  
35 or other satisfactory evidence that the sales or use tax has

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1 been paid for the purchase of the snowmobile or that the  
2 owner is exempt from paying the tax. A snowmobile that has  
3 an expired registration certificate from another state may be  
4 registered in this state upon proper application, payment of  
5 all applicable registration and writing fees, and payment of a  
6 penalty of five dollars.

7 Sec. 8. Section 321G.4A, subsection 1, Code 2011, is amended  
8 to read as follows:

9 1. A ~~nonresident~~ person wishing to operate a ~~snowmobile,~~  
10 ~~other than a snowmobile registered pursuant to this chapter,~~  
11 snowmobile on publicland, or public ice, or a designated  
12 snowmobile trail of this state shall ~~first~~ obtain a user permit  
13 from the department. A user permit shall be issued for ~~the use~~  
14 on only one snowmobile ~~specified at the time of application~~  
15 and is not transferable. A user permit shall be valid for the  
16 calendar year or time period specified in the permit.

17 Sec. 9. Section 321G.5, Code 2011, is amended to read as  
18 follows:

19 **321G.5 Display of registration and user permit decals.**

20 The owner of a snowmobile shall display the registration  
21 decal ~~or nonresident~~ and user permit decal on a the snowmobile  
22 in the manner prescribed by the rules of the commission.

23 Sec. 10. Section 321G.6, subsection 3, Code 2011, is amended  
24 to read as follows:

25 3. Duplicate registrations may be issued ~~upon application~~  
26 ~~to the~~ by a county recorder ~~and or a license agent upon the~~  
27 payment of a five dollar fee plus a writing fee as provided in  
28 section 321G.27.

29 Sec. 11. Section 321G.7, subsection 1, Code 2011, is amended  
30 to read as follows:

31 1. A county recorder or license agent shall remit to the  
32 commission the snowmobile fees collected by the recorder  
33 or license agent in the manner and time prescribed by the  
34 department.

35 Sec. 12. Section 321G.8, unnumbered paragraph 1, Code 2011,

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1 is amended to read as follows:

2     Registration and user permits shall not be required for the  
3 following described snowmobiles:

4     Sec. 13. Section 321G.8, subsection 1, Code 2011, is amended  
5 to read as follows:

6     1. Snowmobiles owned ~~and used~~ by the United States, this  
7 state, or another state, or by a political governmental  
8 subdivision of another state thereof, and used for enforcement,  
9 search and rescue, or official research and studies, but not  
10 for recreational or commercial purposes.

11     Sec. 14. Section 321G.9, subsection 6, Code 2011, is amended  
12 by striking the subsection.

13     Sec. 15. Section 321G.10, Code Supplement 2011, is amended  
14 to read as follows:

15     **321G.10 Accident reports.**

16     If a snowmobile is involved in an accident resulting in  
17 injury or death to anyone or property damage amounting to one  
18 thousand five hundred dollars or more, either the operator  
19 or someone acting for the operator shall immediately notify  
20 the county sheriff or another law enforcement agency in the  
21 state. If the accident occurred on public land, ~~or public~~  
22 ice, or a designated snowmobile trail under the jurisdiction  
23 of the commission, the operator shall file with the commission  
24 a report of the accident, within seventy-two hours, containing  
25 information as the commission may require. All other accidents  
26 shall be reported as required under section 321.266.

27     Sec. 16. Section 321G.12, Code 2011, is amended to read as  
28 follows:

29     **321G.12 ~~Headlamp — tail lamp~~ Headlight — taillight —**  
30 **brakes.**

31     Every snowmobile shall be equipped with at least one  
32 ~~headlamp~~ headlight and one ~~tail lamp~~ taillight. Every  
33 snowmobile shall be equipped with brakes.

34     Sec. 17. Section 321G.13, subsection 1, paragraph f, Code  
35 2011, is amended to read as follows:

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1 *f.* On any public land, public ice, or ~~snow~~ designated  
2 snowmobile trail, in violation of official signs of the  
3 commission prohibiting such operation in the interest of  
4 safety for persons, property, or the environment. Any officer  
5 appointed by the commission may post an official sign in an  
6 emergency for the protection of persons, property, or the  
7 environment.

8 Sec. 18. Section 321G.13, subsection 1, Code 2011, is  
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. *i.* Upon the surface of any public water in a  
11 maneuver known as water skipping. This paragraph "*i*" does not  
12 apply to operation on rivers or streams between November 1 and  
13 April 1.

14 Sec. 19. Section 321G.13, subsection 3, Code 2011, is  
15 amended to read as follows:

16 3. A person shall not drive or operate a snowmobile  
17 on public land or a designated snowmobile trail without a  
18 measurable snow cover.

19 Sec. 20. Section 321G.17, Code 2011, is amended to read as  
20 follows:

21 **321G.17 Violation of stop signal.**

22 A person, ~~after having who has~~ received a visual or audible  
23 signal from a peace officer to come to a stop, shall not  
24 operate a snowmobile in willful or wanton disregard of the  
25 signal, ~~or~~ interfere with or endanger the officer or any other  
26 person or vehicle, ~~or~~ increase speed, or attempt to flee or  
27 elude the officer.

28 Sec. 21. Section 321G.20, Code 2011, is amended to read as  
29 follows:

30 **321G.20 ~~Minors under twelve~~ Operation by minors.**

31 1. An owner or operator of a snowmobile shall not permit  
32 a person under twelve years of age to operate and a person  
33 less than twelve years of age shall not operate, a snowmobile  
34 on a designated snowmobile trail, public land, or public ice  
35 except when accompanied on the same snowmobile by a responsible



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1 person of at least eighteen years of age who is experienced  
2 in snowmobile operation and who possesses a valid driver's  
3 license, as defined in section 321.1, or ~~a safety~~ an education  
4 certificate issued under this chapter.

5 2. While operating a snowmobile on a designated snowmobile  
6 trail, public land, or public ice, a person twelve through  
7 fifteen years of age and possessing a valid education  
8 certificate must be under the direct supervision of a parent,  
9 guardian, or another adult authorized by the parent or  
10 guardian, who is experienced in snowmobile operation and  
11 possesses a valid driver's license, as defined in section  
12 321.1, or an education certificate issued under this chapter.

13 3. A person under eighteen years of age but over the age of  
14 fifteen shall not operate a snowmobile on or across a public  
15 highway unless the person has in the person's possession an  
16 education certificate issued to the person pursuant to this  
17 chapter.

18 Sec. 22. Section 321G.21, subsections 1 through 5, Code  
19 2011, are amended to read as follows:

20 1. A manufacturer, distributor, or dealer owning a  
21 snowmobile required to be registered under this chapter  
22 may operate the snowmobile for purposes of transporting,  
23 testing, demonstrating, or selling it without the snowmobile  
24 being registered, except that a ~~special identification~~  
25 ~~number~~ registration decal issued to the owner as provided  
26 in this chapter shall be displayed on the snowmobile in the  
27 manner prescribed by rules of the commission. The special  
28 ~~identification number~~ registration decal shall not be used  
29 on a snowmobile offered for hire or for any work or service  
30 performed by a manufacturer, distributor, or dealer.

31 2. Every manufacturer, distributor, or dealer shall  
32 register with the department by making application to the  
33 commission, upon forms prescribed by the commission, for  
34 a special registration certificate ~~containing a general~~  
35 ~~identification number and for one or more duplicate special~~

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1 ~~registration certificates and decal.~~ The applicant shall pay  
2 a registration fee of ~~fifteen~~ forty-five dollars and submit  
3 reasonable proof of the applicant's status as a bona fide  
4 manufacturer, distributor, or dealer as may be required by the  
5 commission.

6 3. The commission, upon granting an application, shall  
7 issue to the applicant a special registration certificate  
8 ~~containing and decal.~~ The special registration certificate  
9 shall contain the applicant's name, and address, the and  
10 general identification number; assigned to the applicant, the  
11 word "manufacturer", "dealer", or "distributor"; and other  
12 information the commission prescribes. The manufacturer,  
13 distributor, or dealer shall have the assigned number printed  
14 upon or attached to a removable sign or signs which may be  
15 temporarily but firmly mounted or attached to the snowmobile  
16 being used. The display shall meet the requirements of this  
17 chapter and the rules of the commission.

18 4. The commission shall also issue duplicate special  
19 registration certificates and decals which shall have displayed  
20 thereon the general identification number assigned to the  
21 applicant. ~~Each duplicate registration certificate so issued~~  
22 ~~shall contain a number or symbol identifying it from every~~  
23 ~~other duplicate special registration certificate bearing the~~  
24 ~~same general identification number. A county recorder may~~  
25 issue duplicate special registration certificates and decals  
26 electronically pursuant to rules adopted by the commission.  
27 The fee for each additional duplicate special registration  
28 certificate and decal shall be ~~two~~ five dollars, plus a writing  
29 fee.

30 5. Each special registration certificate issued hereunder  
31 under this section shall be for a period of three years and  
32 shall expire on December 31 of each the renewal year, and  
33 a. A new special registration certificate for the ensuing  
34 ~~twelve months~~ three-year renewal period may be obtained upon  
35 application to the commission and payment of the fee provided



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1 by law. A county recorder may issue special registration  
2 certificate renewals electronically pursuant to rules adopted  
3 by the commission.

4 Sec. 23. Section 321G.23, Code 2011, is amended to read as  
5 follows:

6 **321G.23 Course of instruction.**

7 1. The commission shall provide, by rules adopted pursuant  
8 to section 321G.2, for the establishment of certified courses  
9 of instruction to be conducted throughout the state for the  
10 safe use and operation of snowmobiles. The curriculum shall  
11 include instruction in the lawful and safe use, operation, and  
12 equipping of snowmobiles consistent with this chapter and rules  
13 adopted by the commission and the director of transportation  
14 and other matters the commission deems pertinent for a  
15 qualified snowmobile operator. The commission may establish  
16 a fee for the course which shall not exceed the actual cost of  
17 instruction minus moneys received by the department from ~~safety~~  
18 education certificate fees under section 321G.24.

19 2. The commission may certify any experienced, qualified  
20 operator to be an instructor of a class established under  
21 subsection 1. Each instructor shall be at least eighteen years  
22 of age.

23 3. Upon completion of the course of instruction, the  
24 commission shall provide for the administration of a written  
25 test to any student who wishes to qualify for ~~a safety~~ an  
26 education certificate.

27 4. The commission shall provide ~~safety~~ education material  
28 relating to the operation of snowmobiles for the use of  
29 nonpublic or public elementary and secondary schools in this  
30 state.

31 5. The department may develop requirements and standards  
32 for online education offerings. Only vendors who have entered  
33 into a memorandum of understanding with the department  
34 shall be permitted to offer an online course that results  
35 in the issuance of an education certificate approved by the



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1 commission. Vendors may charge for their courses and collect  
2 the education certificate fee required under section 321G.24,  
3 subsection 2, on behalf of the department as agreed to in the  
4 memorandum of understanding.

5 Sec. 24. Section 321G.24, Code 2011, is amended to read as  
6 follows:

7 **321G.24 Safety Education certificate — fee.**

8 1. A person under eighteen years of age shall not  
9 operate a snowmobile on public land, or public ice, a  
10 designated snowmobile trail, or land purchased with snowmobile  
11 registration funds in this state without obtaining a valid  
12 safety education certificate issued approved by the department  
13 and having the certificate in the person's possession,  
14 unless the person is accompanied on the same snowmobile by  
15 a responsible person of at least eighteen years of age who  
16 is experienced in snowmobile operation and possesses a valid  
17 driver's license, as defined in section 321.1, or a safety an  
18 education certificate issued under this chapter.

19 2. Upon ~~application~~ successful completion of the course  
20 and payment of a fee of five dollars, a qualified applicant  
21 shall be issued ~~a safety an~~ education certificate which is  
22 valid until the certificate is suspended or revoked by the  
23 director for a violation of a provision of this chapter or a  
24 rule adopted pursuant to this chapter. ~~The application shall~~  
25 ~~be made on forms issued by the commission and shall contain~~  
26 ~~information as the commission may reasonably require.~~

27 3. Any person who is required to have ~~a safety an~~ education  
28 certificate under this chapter and who has completed a course  
29 of instruction established under section 321G.2, subsection  
30 1, paragraph "j", including the successful passage of an  
31 examination which includes a written test relating to such  
32 course of instruction, shall be considered qualified to receive  
33 ~~a safety an~~ education certificate.

34 4. The ~~permit~~ certificate fees collected under this section  
35 shall be credited to the special snowmobile fund created under

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1 section 321G.7 and shall be used for safety and educational  
2 programs.

3 5. A valid snowmobile safety or education certificate or  
4 license issued ~~to a nonresident~~ by a governmental authority  
5 of another state shall be considered a valid certificate or  
6 license in this state if the permit certification or license  
7 licensing requirements of the governmental authority, ~~excluding~~  
8 ~~fees~~, are substantially the same as the requirements of this  
9 chapter as determined by the commission.

10 Sec. 25. Section 321G.25, Code 2011, is amended to read as  
11 follows:

12 **321G.25 Stopping and inspecting — warnings.**

13 A peace officer may stop and inspect a snowmobile operated,  
14 parked, or stored on public streets, highways, public lands,  
15 ~~or frozen waters~~ public ice, or designated snowmobile trails  
16 of the state to determine if the snowmobile is registered,  
17 numbered, or equipped as required by this chapter and  
18 commission rules. The officer shall not inspect an area that  
19 is not essential to determine compliance with the requirements.  
20 If the officer determines that the snowmobile is not in  
21 compliance, the officer may issue a warning memorandum to the  
22 operator and forward a copy to the commission. The warning  
23 memorandum shall indicate the items found not in compliance and  
24 shall direct the owner or operator of the snowmobile to have  
25 the snowmobile in compliance and return a copy of the warning  
26 memorandum with the proof of compliance to the commission  
27 within fourteen days. If the proof of compliance is not  
28 provided within fourteen days, the owner or operator is in  
29 violation of this chapter.

30 Sec. 26. Section 321G.26, Code 2011, is amended to read as  
31 follows:

32 **321G.26 Termination of use.**

33 A person who receives a warning memorandum for a snowmobile  
34 shall stop using the snowmobile as soon as possible and shall  
35 not operate it on public streets, highways, public lands, ~~or~~

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1 ~~frozen waters~~ public ice, or designated snowmobile trails of  
2 the state until the snowmobile is in compliance.

3 Sec. 27. Section 321G.27, subsection 1, Code 2011, is  
4 amended by adding the following new paragraph:

5 NEW PARAGRAPH. *0c.* The county recorder shall collect  
6 a writing fee of one dollar and twenty-five cents for each  
7 duplicate special registration certificate issued by the county  
8 recorder's office.

9 Sec. 28. Section 321G.29, subsection 8, Code Supplement  
10 2011, is amended to read as follows:

11 8. Once titled, a person shall not sell or transfer  
12 ownership of a snowmobile without delivering to the purchaser  
13 or transferee a certificate of title with an assignment on it  
14 showing title in the ~~purchaser or transferee~~ purchaser's or  
15 transferee's name. A person shall not purchase or otherwise  
16 acquire a snowmobile without obtaining a certificate of title  
17 for it in that person's name.

18 Sec. 29. Section 321G.31, subsection 1, Code 2011, is  
19 amended to read as follows:

20 1. If ownership of a snowmobile is transferred by  
21 operation of law, such as by inheritance, order in bankruptcy,  
22 insolvency, replevin, or execution sale, the transferee, within  
23 thirty days after acquiring the right to possession of the  
24 snowmobile, shall mail or deliver to the county recorder of  
25 the transferee's county of residence satisfactory proof of  
26 ownership as the county recorder requires, together with an  
27 application for a new certificate of title, and the required  
28 fee.

29 Sec. 30. Section 321G.33, subsections 1 and 3, Code 2011,  
30 are amended to read as follows:

31 1. The department may assign a distinguishing number to  
32 a snowmobile when the serial number on the snowmobile is  
33 destroyed or obliterated and issue to the owner a special  
34 plate decal bearing the distinguishing number which shall be  
35 affixed to the snowmobile in a position to be determined by

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1 the department. The snowmobile shall be registered and titled  
2 under the distinguishing number in lieu of the former serial  
3 number. Every snowmobile shall have a vehicle identification  
4 number assigned and affixed as required by the department.

5 3. A person shall not destroy, remove, alter, cover, or  
6 deface the manufacturer's vehicle identification number, the  
7 plate or decal bearing it, or any vehicle identification number  
8 the department assigns to a snowmobile without the department's  
9 permission.

10 Sec. 31. Section 321I.1, subsection 1, paragraph b, Code  
11 2011, is amended to read as follows:

12 b. Off-road motorcycles shall be considered all-terrain  
13 vehicles for the purpose of registration. Off-road motorcycles  
14 shall also be considered all-terrain vehicles for the purpose  
15 of titling if a title has not previously been issued pursuant  
16 to chapter 321. An operator of an off-road motorcycle is  
17 subject to provisions governing the operation of all-terrain  
18 vehicles in this chapter, but is exempt from the ~~safety~~  
19 education instruction and certification program requirements of  
20 sections 321I.25 and 321I.26.

21 Sec. 32. Section 321I.1, subsections 6, 7, and 16, Code  
22 2011, are amended to read as follows:

23 6. "*Designated riding area*" means an all-terrain vehicle  
24 riding area on any public land or public ice under the  
25 jurisdiction of the department that has been designated by the  
26 department for all-terrain vehicle use.

27 7. "*Designated riding trail*" means an all-terrain vehicle  
28 riding trail on any public land, private land, or public  
29 ~~ice under the jurisdiction of the department~~ that has been  
30 designated by the department, a political subdivision, or a  
31 controlling authority for all-terrain vehicle use.

32 16. a. "*Off-road utility vehicle*" means a motorized  
33 flotation-tire or rubber-tracked vehicle with not less than  
34 four and not more than eight low-pressure tires or rubberized  
35 tracks that is limited in engine displacement to less than one

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1 thousand five hundred cubic centimeters and in total dry weight  
2 to not more than one thousand eight hundred pounds and that  
3 has a seat that is of bucket or bench design, not intended to  
4 be straddled by the operator, and a steering wheel or control  
5 levers for control.

6 ~~b. An owner of an off-road utility vehicle may register~~  
7 ~~or title an off-road utility vehicle in order to legally~~  
8 ~~operate the off-road vehicle on public ice, a designated~~  
9 ~~riding area, or a designated riding trail.~~ The operator of an  
10 off-road utility vehicle is subject to provisions governing  
11 the operation of all-terrain vehicles in section 321.234A, and  
12 this chapter, and administrative rules, but is exempt from  
13 the safety education instruction and certification program  
14 requirements of sections 321I.25 and 321I.26. An operator of  
15 an off-road utility vehicle shall not operate the vehicle on a  
16 designated riding area or designated riding trail unless the  
17 department has posted signage indicating the riding area or  
18 trail is open to the operation of off-road utility vehicles.  
19 Off-road utility vehicles are ~~exempt from~~ subject to the dealer  
20 registration and titling requirements of this chapter. A  
21 motorized vehicle that was previously titled or is currently  
22 titled under chapter 321 shall not be registered or operated  
23 as an off-road utility vehicle.

24 Sec. 33. Section 321I.1, Code 2011, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 20A. "Public ice" means any frozen,  
27 navigable waters within the territorial limits of this state  
28 and the frozen marginal river areas adjacent to this state,  
29 other than farm ponds, that are under the jurisdiction of the  
30 commission.

31 Sec. 34. Section 321I.1, subsections 23, 25, and 27, Code  
32 2011, are amended to read as follows:

33 23. "Resident" means ~~a person who meets the requirements~~  
34 ~~for residency described in section 321.1A~~ as defined in section  
35 483A.1A.

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1     25. *"Safety Education certificate"* means an all-terrain  
2 vehicle ~~safety~~ safety education certificate, approved by the  
3 commission, which is issued to a qualified applicant who is  
4 twelve years of age or older.

5     27. *"Special event"* means an organized race, exhibition,  
6 or demonstration of limited duration which is conducted on  
7 public land, ~~or public ice~~, or a designated riding trail under  
8 the jurisdiction of the commission according to a prearranged  
9 schedule and in which general public interest is manifested.

10    Sec. 35. Section 321I.2, subsection 1, paragraph f, Code  
11 2011, is amended to read as follows:

12    ~~f.~~ Issuance of safety education certificates.

13    Sec. 36. Section 321I.3, Code 2011, is amended to read as  
14 follows:

15    **321I.3 Registration required — penalties.**

16    1. Each all-terrain vehicle used on public land, ~~or public~~  
17 ice, or a designated riding trail of this state shall be  
18 currently registered. A person shall not operate, maintain,  
19 or give permission for the operation or maintenance of an  
20 all-terrain vehicle on public land, ~~or public ice~~, or a  
21 designated riding trail unless the all-terrain vehicle is  
22 registered in accordance with this chapter or applicable  
23 federal laws or ~~the all-terrain vehicle displays a current~~  
24 ~~annual user permit decal issued for the all-terrain vehicle~~  
25 ~~as provided in section 321I.5~~ in accordance with an approved  
26 numbering system of another state and the evidence of  
27 registration is in full force and effect. An all-terrain  
28 vehicle registered in another state must also be issued a user  
29 permit in this state in accordance with this chapter.

30    ~~2. A registration certificate and registration decal~~  
31 ~~shall be assigned, without payment of fee, to all-terrain~~  
32 ~~vehicles owned by the state of Iowa or its political~~  
33 ~~subdivisions. The registration decal shall be displayed on~~  
34 ~~the all-terrain vehicle as required under section 321I.6. A~~  
35 ~~registration certificate shall be assigned, without payment~~

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~~1 of a registration fee, for an all-terrain vehicle which is  
2 exempt from registration but is being titled, upon payment  
3 of a writing fee as provided in section 321I.29 and an  
4 administrative fee. A registration decal shall not be issued  
5 and the registration shall not expire while the all-terrain  
6 vehicle is exempt. The application for registration and  
7 the registration certificate shall indicate the reason for  
8 exemption from the registration fee.~~

9     3. 2. A violation of subsection 1 ~~or 2~~ is punishable as  
10 a scheduled violation under section 805.8B, subsection 2A,  
11 paragraph "a". When the scheduled fine is paid, the violator  
12 shall submit proof to the department that a valid registration  
13 or user permit has been obtained by providing a copy of the  
14 registration or user permit to the department within thirty  
15 days of the date the fine is paid. A person who violates this  
16 subsection is guilty of a simple misdemeanor.

17     Sec. 37. Section 321I.4, subsection 2, Code 2011, is amended  
18 to read as follows:

19     2. The owner of the all-terrain vehicle shall file an  
20 application for registration with the department through a the  
21 county recorder of the county of residence, or in the case  
22 of a nonresident owner, in the county of primary use, in the  
23 manner established by the commission. The application shall  
24 be completed by the owner and shall be accompanied by a fee  
25 of fifteen dollars and a writing fee as provided in section  
26 321I.29. An all-terrain vehicle shall not be registered by the  
27 county recorder until the county recorder is presented with  
28 receipts, bills of sale, or other satisfactory evidence that  
29 the sales or use tax has been paid for the purchase of the  
30 all-terrain vehicle or that the owner is exempt from paying the  
31 tax. An all-terrain vehicle that has an expired registration  
32 certificate from another state may be registered in this state  
33 upon proper application, payment of all applicable registration  
34 and writing fees, and payment of a penalty of five dollars.

35     Sec. 38. Section 321I.5, subsection 1, Code 2011, is amended

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1 to read as follows:

2 1. A nonresident wishing to operate an all-terrain vehicle,  
3 other than an all-terrain vehicle ~~owned by a resident and~~  
4 registered pursuant to this chapter, on public land, or public  
5 ice, or a designated riding trail of this state shall ~~first~~  
6 obtain a user permit from the department. A user permit shall  
7 be issued for the use on only one all-terrain vehicle ~~specified~~  
8 ~~at the time of application~~ and is not transferable. A user  
9 permit shall be valid for the calendar year or time period  
10 specified in the permit.

11 Sec. 39. Section 321I.7, subsections 3 and 4, Code 2011, are  
12 amended to read as follows:

13 3. Duplicate registrations may be issued ~~upon application~~  
14 ~~to the~~ by a county recorder or a license agent and the payment  
15 of a five dollar fee plus a writing fee as provided in section  
16 321I.29.

17 4. A motorcycle, as defined in section 321.1, subsection  
18 40, paragraph "a", may be registered as an all-terrain vehicle  
19 as provided in this section. A motorcycle registered as an  
20 all-terrain vehicle may participate in all programs established  
21 for all-terrain vehicles under this chapter except for the  
22 safety education instruction and certification program.

23 Sec. 40. Section 321I.8, Code 2011, is amended to read as  
24 follows:

25 **321I.8 Fees remitted to commission — appropriation.**

26 1. A county recorder or license agent shall remit to the  
27 commission the all-terrain vehicle fees collected by the  
28 recorder or license agent in the manner and time prescribed by  
29 the department.

30 2. The department shall remit the fees, including user  
31 fees collected pursuant to section 321I.5, to the treasurer  
32 of state, who shall place the money in a special all-terrain  
33 vehicle fund. The money is appropriated to the department for  
34 the all-terrain vehicle programs of the state. The programs  
35 shall include grants, subgrants, contracts, or cost-sharing

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1 of all-terrain vehicle programs with political subdivisions  
2 or incorporated private organizations or both in accordance  
3 with rules adopted by the commission. All-terrain vehicle fees  
4 may be used for the establishment, maintenance, and operation  
5 of all-terrain vehicle recreational riding areas through the  
6 awarding of grants administered by the department. All-terrain  
7 vehicle recreational riding areas established, maintained, or  
8 operated by the use of such grants shall not be operated for  
9 profit. All programs using cost-sharing, grants, subgrants, or  
10 contracts shall establish and implement a safety an education  
11 instruction program either singly or in cooperation with other  
12 all-terrain vehicle programs. All-terrain vehicle fees may  
13 be used to support all-terrain vehicle programs on a usage  
14 basis. At least fifty percent of the special fund shall be  
15 available for political subdivisions or incorporated private  
16 organizations or both. Moneys from the special fund not  
17 used by the political subdivisions or incorporated private  
18 organizations or both shall remain in the fund and may be used  
19 by the department for the administration of the all-terrain  
20 vehicle programs. Notwithstanding section 8.33, moneys in the  
21 special fund shall not revert to the general fund of the state  
22 at the end of a fiscal year. Notwithstanding section 12C.7,  
23 subsection 2, interest or earnings on moneys in the special  
24 fund shall remain in the fund.

25 Sec. 41. Section 321I.9, subsection 1, Code 2011, is amended  
26 to read as follows:

27 1. All-terrain vehicles owned ~~and used~~ by the United States,  
28 this state, or another state, or by a political governmental  
29 subdivision of another state thereof, and used for enforcement,  
30 search and rescue, or official research and studies, but not  
31 for recreational or commercial purposes.

32 Sec. 42. Section 321I.11, Code Supplement 2011, is amended  
33 to read as follows:

34 **321I.11 Accident reports.**

35 If an all-terrain vehicle is involved in an accident

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1 resulting in injury or death to anyone or property damage  
2 amounting to one thousand five hundred dollars or more,  
3 either the operator or someone acting for the operator  
4 shall immediately notify the county sheriff or another law  
5 enforcement agency in the state. If the accident occurred  
6 on public land, ~~or public ice, or a designated riding trail~~  
7 under the jurisdiction of the commission, the operator shall  
8 file with the commission a report of the accident, within  
9 seventy-two hours, containing information as the commission may  
10 require. All other accidents shall be reported as required  
11 under section 321.266.

12 Sec. 43. Section 321I.13, Code 2011, is amended to read as  
13 follows:

14 **321I.13 ~~Headlamp — tail lamp~~ Headlight — taillight —**  
15 **brakes.**

16 Every all-terrain vehicle operated during the hours of  
17 darkness shall display a lighted ~~headlamp~~ headlight and ~~tail~~  
18 ~~lamp~~ taillight. Every all-terrain vehicle shall be equipped  
19 with brakes.

20 Sec. 44. Section 321I.14, subsection 1, paragraph f, Code  
21 2011, is amended to read as follows:

22 *f.* On any public land, public ice, or snow designated  
23 riding trail, in violation of official signs of the commission  
24 prohibiting such operation in the interest of safety for  
25 persons, property, or the environment. Any officer appointed  
26 by the commission may post an official sign in an emergency for  
27 the protection of persons, property, or the environment.

28 Sec. 45. Section 321I.17, Code 2011, is amended to read as  
29 follows:

30 **321I.17 Special events.**

31 The department may authorize the holding of organized  
32 special events as defined in this chapter within this state.  
33 The department shall adopt rules relating to the conduct of  
34 special events held under department permits and designating  
35 the equipment and facilities necessary for the safe operation

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1 of all-terrain vehicles ~~or~~, off-road motorcycles, and off-road  
2 utility vehicles and for the safety of operators, participants,  
3 and observers in the special events. A special event ~~for~~  
4 ~~all-terrain vehicles~~ may ~~include motorcycles upon payment~~  
5 ~~of~~ require an entrance fee set by the organizer of the  
6 special event. The department may require that part of the  
7 ~~motorcycle~~ entrance fee be credited to pay costs of all-terrain  
8 vehicle programs authorized pursuant to section 321I.8. At  
9 least thirty days before the scheduled date of a special  
10 event in this state, an application shall be filed with the  
11 department for authorization to conduct the special event. The  
12 application shall set forth the date, time, and location of the  
13 proposed special event and any other information the department  
14 requires. The special event shall not be conducted without  
15 written authorization of the department. ~~Copies of the rules~~  
16 ~~shall be furnished by the department to any person making an~~  
17 ~~application.~~

18 Sec. 46. Section 321I.18, Code 2011, is amended to read as  
19 follows:

20 **321I.18 Violation of stop signal.**

21 A person, ~~after having~~ who has received a visual or audible  
22 signal from a peace officer to come to a stop, shall not  
23 operate an all-terrain vehicle in willful or wanton disregard  
24 of the signal, ~~or~~ interfere with or endanger the officer or any  
25 other person or vehicle, ~~or~~ increase speed, or attempt to flee  
26 or elude the officer.

27 Sec. 47. Section 321I.21, unnumbered paragraph 1, Code  
28 2011, is amended to read as follows:

29 A person under twelve years of age shall not operate an  
30 all-terrain vehicle, including an off-road motorcycle, on a  
31 designated riding area or designated riding trail or on public  
32 land or public ice unless one of the following applies:

33 Sec. 48. Section 321I.21, subsection 1, Code 2011, is  
34 amended to read as follows:

35 1. The person is taking a prescribed ~~safety~~ education

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1 training course and the operation is under the direct  
2 supervision of a certified all-terrain vehicle ~~safety~~ education  
3 instructor.

4 Sec. 49. Section 321I.22, subsections 1 through 5, Code  
5 2011, are amended to read as follows:

6 1. A manufacturer, distributor, or dealer owning an  
7 all-terrain vehicle required to be registered under this  
8 chapter may operate the all-terrain vehicle for purposes of  
9 transporting, testing, demonstrating, or selling it without the  
10 all-terrain vehicle being registered, except that a special  
11 ~~identification number~~ registration decal issued to the owner as  
12 provided in this chapter shall be displayed on the all-terrain  
13 vehicle in the manner prescribed by rules of the commission.  
14 The special ~~identification number~~ registration decal shall not  
15 be used on an all-terrain vehicle offered for hire or for any  
16 work or service performed by a manufacturer, distributor, or  
17 dealer.

18 2. Every manufacturer, distributor, or dealer shall  
19 register with the department by making application to the  
20 commission, upon forms prescribed by the commission, for  
21 a special registration certificate ~~containing a general~~  
22 ~~identification number and for one or more duplicate special~~  
23 ~~registration certificates and decal~~. The applicant shall pay  
24 a registration fee of ~~fifteen~~ forty-five dollars and submit  
25 reasonable proof of the applicant's status as a bona fide  
26 manufacturer, distributor, or dealer as may be required by the  
27 commission.

28 3. The commission, upon granting an application, shall  
29 issue to the applicant a special registration certificate  
30 ~~containing and decal~~. The special registration certificate  
31 shall contain the applicant's name, and address, the and  
32 general identification number; assigned to the applicant, the  
33 word "manufacturer", "dealer", or "distributor"; and other  
34 information the commission prescribes. The manufacturer,  
35 distributor, or dealer shall have the assigned number printed

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~~1 upon or attached to a removable sign or signs which may be  
2 temporarily but firmly mounted or attached to the all-terrain  
3 vehicle being used. The display shall meet the requirements of  
4 this chapter and the rules of the commission.~~

5 4. The commission shall also issue duplicate special  
6 registration certificates and decals which shall have displayed  
7 thereon the general identification number assigned to the  
8 applicant. ~~Each duplicate registration certificate so issued  
9 shall contain a number or symbol identifying it from every  
10 other duplicate special registration certificate bearing the  
11 same general identification number.~~ A county recorder may  
12 issue duplicate special registration certificates and decals  
13 electronically pursuant to rules adopted by the commission.  
14 The fee for each additional duplicate special registration  
15 certificate and decal shall be ~~two~~ five dollars plus a writing  
16 fee.

17 5. Each special registration certificate issued ~~hereunder~~  
18 under this section shall be for a period of three years and  
19 shall expire on December 31 of each the renewal year, and  
20 a. A new special registration certificate for the ensuing  
21 ~~twelve months~~ three-year renewal period may be obtained upon  
22 application to the commission and payment of the fee provided  
23 by law. A county recorder may issue special registration  
24 certificate renewals electronically pursuant to rules adopted  
25 by the commission.

26 Sec. 50. Section 321I.25, Code 2011, is amended to read as  
27 follows:

28 **321I.25 Course of instruction.**

29 1. The commission shall provide, by rules adopted pursuant  
30 to section 321I.2, for the establishment of certified courses  
31 of instruction to be conducted throughout the state for the  
32 safe use and operation of all-terrain vehicles. The curriculum  
33 shall include instruction in the lawful and safe use,  
34 operation, and equipping of all-terrain vehicles consistent  
35 with this chapter and rules adopted by the commission ~~and the~~

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1 ~~director of transportation and other matters the commission~~  
2 ~~deems pertinent for a qualified all-terrain vehicle operator.~~  
3 The commission may establish a fee for the course which shall  
4 not exceed the actual cost of instruction minus moneys received  
5 by the department from safety education certificate fees under  
6 section 321I.26.

7 2. The commission may certify any experienced, qualified  
8 operator to be an instructor of a class established under  
9 subsection 1. Each instructor shall be at least eighteen years  
10 of age.

11 3. Upon completion of the course of instruction, the  
12 commission shall provide for the administration of either a  
13 written test or the demonstration of adequate riding skills to  
14 any student who wishes to qualify for a safety an education  
15 certificate.

16 4. The commission shall provide safety education material  
17 relating to the operation of all-terrain vehicles for the use  
18 of nonpublic or public elementary and secondary schools in this  
19 state.

20 5. The department may develop requirements and standards  
21 for online education offerings. Only vendors who have entered  
22 into a memorandum of understanding with the department  
23 shall be permitted to offer an online course that results  
24 in the issuance of an education certificate approved by the  
25 commission. Vendors may charge for their courses and collect  
26 the education certificate fee required under section 321I.26,  
27 subsection 2, on behalf of the department as agreed to in the  
28 memorandum of understanding.

29 Sec. 51. Section 321I.26, Code 2011, is amended to read as  
30 follows:

31 **321I.26 Safety Education certificate — fee.**

32 1. A person twelve years of age or older but less than  
33 eighteen years of age shall not operate an all-terrain vehicle  
34 on public land, or public ice, a designated riding trail, or  
35 land purchased with all-terrain vehicle registration funds

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1 in this state without obtaining a valid safety education  
2 certificate ~~issued~~ approved by the department and having the  
3 certificate in the person's possession.

4 2. Upon ~~application~~ successful completion of the course  
5 and payment of a fee of five dollars, a qualified applicant  
6 shall be issued ~~a safety~~ an education certificate which is  
7 valid until the certificate is suspended or revoked by the  
8 director for a violation of a provision of this chapter or a  
9 rule adopted pursuant to this chapter. ~~The application shall~~  
10 ~~be made on forms issued by the commission and shall contain~~  
11 ~~information as the commission may reasonably require.~~

12 3. Any person who is required to have ~~a safety~~ an education  
13 certificate under this chapter and who has completed a course  
14 of instruction established under section 321I.2, subsection  
15 1, paragraph "i", including the successful passage of an  
16 examination which includes either a written test relating to  
17 such course of instruction or the demonstration of adequate  
18 riding skills, shall be considered qualified to receive a  
19 safety an education certificate.

20 4. The ~~permit~~ certificate fees collected under this section  
21 shall be credited to the special all-terrain vehicle fund and  
22 shall be used for ~~safety and~~ educational programs.

23 5. A valid all-terrain vehicle safety or education  
24 certificate or license issued ~~to a nonresident~~ by a  
25 governmental authority of another state shall be considered  
26 a valid certificate or license in this state if the ~~permit~~  
27 certification or license licensing requirements of the  
28 governmental authority, ~~excluding fees~~, are substantially the  
29 same as the requirements of this chapter as determined by the  
30 commission.

31 Sec. 52. Section 321I.27, Code 2011, is amended to read as  
32 follows:

33 **321I.27 Stopping and inspecting — warnings.**

34 A peace officer may stop and inspect an all-terrain vehicle  
35 operated, parked, or stored on public streets, highways,

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1 public lands, ~~or frozen waters~~ public ice, or designated  
2 riding trails of the state to determine if the all-terrain  
3 vehicle is registered, numbered, or equipped as required by  
4 this chapter and commission rules. The officer shall not  
5 inspect an area that is not essential to determine compliance  
6 with the requirements. If the officer determines that the  
7 all-terrain vehicle is not in compliance, the officer may issue  
8 a warning memorandum to the operator and forward a copy to the  
9 commission. The warning memorandum shall indicate the items  
10 found not in compliance and shall direct the owner or operator  
11 of the all-terrain vehicle to have the all-terrain vehicle in  
12 compliance and return a copy of the warning memorandum with the  
13 proof of compliance to the commission within fourteen days. If  
14 the proof of compliance is not provided within fourteen days,  
15 the owner or operator is in violation of this chapter.

16 Sec. 53. Section 321I.28, Code 2011, is amended to read as  
17 follows:

18 **321I.28 Termination of use.**

19 A person who receives a warning memorandum for an  
20 all-terrain vehicle shall stop using the all-terrain vehicle as  
21 soon as possible and shall not operate it on public streets,  
22 highways, public lands, ~~or frozen waters~~ public ice, or  
23 designated riding trails of the state until the all-terrain  
24 vehicle is in compliance.

25 Sec. 54. Section 321I.29, subsection 1, Code 2011, is  
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. *0c.* The county recorder shall collect  
28 a writing fee of one dollar and twenty-five cents for each  
29 duplicate special registration certificate issued by the county  
30 recorder's office.

31 Sec. 55. Section 321I.31, subsection 8, Code 2011, is  
32 amended to read as follows:

33 8. Once titled, a person shall not sell or transfer  
34 ownership of an all-terrain vehicle without delivering to  
35 the purchaser or transferee a certificate of title with an

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1 assignment on it showing title in the ~~purchaser or transferee~~  
2 purchaser's or transferee's name. A person shall not purchase  
3 or otherwise acquire an all-terrain vehicle without obtaining a  
4 certificate of title for it in that person's name.

5 Sec. 56. Section 321I.33, subsection 1, Code 2011, is  
6 amended to read as follows:

7 1. If ownership of an all-terrain vehicle is transferred by  
8 operation of law, such as by inheritance, order in bankruptcy,  
9 insolvency, replevin, or execution sale, the transferee,  
10 within thirty days after acquiring the right to possession of  
11 the all-terrain vehicle, shall mail or deliver to the county  
12 recorder of the transferee's county of residence satisfactory  
13 proof of ownership as the county recorder requires, together  
14 with an application for a new certificate of title, and the  
15 required fee.

16 Sec. 57. Section 321I.35, subsections 1 and 3, Code 2011,  
17 are amended to read as follows:

18 1. The department may assign a distinguishing number to an  
19 all-terrain vehicle when the serial number on the all-terrain  
20 vehicle is destroyed or obliterated and issue to the owner a  
21 special ~~plate~~ decal bearing the distinguishing number which  
22 shall be affixed to the all-terrain vehicle in a position to be  
23 determined by the department. The all-terrain vehicle shall be  
24 registered and titled under the distinguishing number in lieu  
25 of the former serial number. Every all-terrain vehicle shall  
26 have a vehicle identification number assigned and affixed as  
27 required by the department.

28 3. A person shall not destroy, remove, alter, cover, or  
29 deface the manufacturer's vehicle identification number, the  
30 plate or decal bearing it, or any vehicle identification number  
31 the department assigns to an all-terrain vehicle without the  
32 department's permission.

33 Sec. 58. Section 461C.2, subsection 5, Code 2011, is amended  
34 to read as follows:

35 5. *"Recreational purpose"* means the following or any

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1 combination thereof: Hunting, trapping, horseback riding,  
2 fishing, swimming, boating, camping, picnicking, hiking,  
3 pleasure driving, motorcycling, all-terrain vehicle riding,  
4 nature study, water skiing, snowmobiling, other summer  
5 and winter sports, and viewing or enjoying historical,  
6 archaeological, scenic, or scientific sites while going to and  
7 from or actually engaged therein.

8 Sec. 59. Section 462A.2, Code Supplement 2011, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 43A. *"Watercraft education certificate"*  
11 means a certificate, approved by the commission, which is  
12 issued to a qualified applicant who is twelve years of age or  
13 older who has successfully completed a watercraft education  
14 course approved by the department.

15 Sec. 60. Section 462A.12, subsection 6, Code 2011, is  
16 amended to read as follows:

17 6. An owner or operator of a vessel propelled by a motor  
18 of more than ten horsepower shall not permit any person under  
19 twelve years of age to operate the vessel unless accompanied  
20 in or on the same vessel by a responsible person of at  
21 least eighteen years of age who is experienced in motorboat  
22 operation. A person who is twelve years of age or older  
23 but less than eighteen years of age shall not operate any  
24 vessel propelled by a motor of more than ten horsepower unless  
25 the person has successfully completed a department-approved  
26 watercraft safety education course and obtained a watercraft  
27 safety education certificate or is accompanied in or on the  
28 same vessel by a responsible person of at least eighteen years  
29 of age who is experienced in motorboat operation. A person  
30 required to have a watercraft safety education certificate  
31 shall carry and shall exhibit or make available the certificate  
32 upon request of an officer of the department. A violation  
33 of this subsection is a simple misdemeanor as provided in  
34 section 462A.13. However, a person charged with violating  
35 this subsection shall not be convicted if the person produces

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1 in court, within a reasonable time, a ~~department-approved~~  
2 watercraft education certificate. The cost of a ~~department~~  
3 watercraft education certificate, or any duplicate, shall not  
4 exceed five dollars.

5 Sec. 61. NEW SECTION. **462A.12A Online watercraft education**  
6 **courses.**

7 1. The department shall develop requirements and standards  
8 for online watercraft education courses. Only vendors who have  
9 entered into a memorandum of understanding with the department  
10 shall be approved by the department to offer an online  
11 watercraft education course that upon successful completion is  
12 sufficient to result in the issuance of a watercraft education  
13 certificate to the person who completes the course.

14 2. A vendor approved to offer an online watercraft education  
15 course as provided in subsection 1 may charge a fee for the  
16 course as agreed to in the memorandum of understanding with  
17 the department and may also collect the watercraft education  
18 certificate fee on behalf of the department as agreed to in the  
19 memorandum of understanding.

20 Sec. 62. Section 462A.36, Code 2011, is amended to read as  
21 follows:

22 **462A.36 Fee for special certificate — minimum requirements**  
23 **for issuance.**

24 1. Any manufacturer or dealer may, upon payment of a fee of  
25 fifteen dollars, make application to the commission, upon such  
26 forms as the commission prescribes, for a special certificate  
27 containing a general distinguishing number and for one or more  
28 duplicate special certificates. The applicant shall submit  
29 such reasonable proof of the applicant's status as a bona fide  
30 manufacturer or dealer as the commission may require.

31 2. The commission may adopt rules consistent with this  
32 chapter establishing minimum requirements for a dealer or  
33 manufacturer to be issued a special certificate. In adopting  
34 such rules the department shall consider the need to protect  
35 persons, property, and the environment, and to promote uniform

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1 practices relating to the sale and use of vessels. The  
2 commission may also adopt rules providing for the suspension or  
3 revocation of a dealer's or manufacturer's special certificate  
4 issued pursuant to this section.

5 Sec. 63. Section 462A.46, Code 2011, is amended to read as  
6 follows:

7 **462A.46 Purchase of registered vessel by dealer.**

8 Whenever a dealer purchases or otherwise acquires a  
9 vessel registered in this state, the dealer shall issue a  
10 signed receipt to the previous owner, indicating the date of  
11 purchase or acquisition, the name and address of such previous  
12 owner, and the registration number of the vessel purchased  
13 or acquired. ~~The original receipt shall be delivered to the~~  
14 ~~previous owner and one copy shall be mailed or delivered by~~  
15 ~~the dealer to the county recorder of the county in which the~~  
16 ~~vessel is registered, and one copy shall be delivered to the~~  
17 ~~commission within forty-eight hours.~~

18 Sec. 64. Section 462A.53, Code 2011, is amended to read as  
19 follows:

20 **462A.53 Amount of writing fees.**

21 A writing fee of one dollar and twenty-five cents for  
22 each transaction privilege shall be collected by the county  
23 recorder. ~~If two or more functions are transacted for the same~~  
24 ~~vessel at one time, the writing fee is limited to one dollar~~  
25 ~~and twenty-five cents.~~

26 Sec. 65. Section 805.8B, subsection 2, paragraph a, Code  
27 2011, is amended to read as follows:

28 a. For registration or user permit violations under section  
29 321G.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is  
30 fifty dollars.

31 Sec. 66. Section 805.8B, subsection 2, paragraph b,  
32 subparagraph (3), Code 2011, is amended to read as follows:

33 (3) For operating violations under section 321G.13,  
34 subsection 1, paragraphs "a", "b", "e", "f", "g", and "h", and  
35 "i", and subsections 2 and 3, the scheduled fine is one hundred

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1 dollars.

2 Sec. 67. Section 805.8B, subsection 2, paragraph g, Code  
3 2011, is amended to read as follows:

4 g. For violations of section 321G.20 and for ~~safety~~  
5 education certificate violations under section 321G.24,  
6 subsection 1, the scheduled fine is fifty dollars.

7 Sec. 68. Section 805.8B, subsection 2A, paragraphs a and g,  
8 Code 2011, are amended to read as follows:

9 a. For registration or user permit violations under section  
10 321I.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is  
11 fifty dollars.

12 g. For violations of section 321I.21 and for ~~safety~~  
13 education certificate violations under section 321I.26,  
14 subsection 1, the scheduled fine is fifty dollars.

15 Sec. 69. REPEAL. Sections 462A.40 and 462A.42, Code 2011,  
16 are repealed.

17 EXPLANATION

18 This bill relates to matters concerning the regulation  
19 of snowmobiles, all-terrain vehicles, and watercraft by  
20 the department of natural resources, and makes penalties  
21 applicable.

22 SNOWMOBILE REGULATION. The bill makes numerous revisions  
23 to Code chapter 321G, which provides for the regulation of  
24 snowmobiles by the department.

25 The bill defines "resident" and "nonresident", for purposes  
26 of snowmobile regulation, to mean the same as defined for  
27 purposes of hunting and fishing licenses.

28 The bill defines "public water" as any navigable waters  
29 within the state and the marginal river areas adjacent to the  
30 state, other than farm ponds, under the jurisdiction of the  
31 natural resource commission. A similar definition is provided  
32 for "public ice", and various sections of Code chapter 321G are  
33 amended to specify the defined term.

34 The bill specifies that the natural resource commission may  
35 adopt rules for the use of snowmobiles on designated snowmobile

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1 trails and for maintenance, signing, and operation of the  
2 trails, and existing provisions are amended to indicate that  
3 operation on designated trails is subject to regulation by  
4 the department. The scope of grant programs and contracts  
5 administered by the department is expanded to include  
6 the signage of designated snowmobile trails. "Designated  
7 snowmobile trail" is defined to mean a snowmobile riding  
8 trail on any public land, private land, or public ice that is  
9 designated by the department, a political subdivision, or a  
10 controlling authority for snowmobile use.

11 Currently, all snowmobiles used on public land or ice in  
12 this state must be registered, except for certain snowmobiles  
13 owned and used by a governmental entity or snowmobiles used  
14 in farming. A nonresident must obtain an annual user permit  
15 to operate a snowmobile that is not registered in this state.  
16 The bill extends the user permit requirement to apply to  
17 residents as well as nonresidents. Under the bill, a resident  
18 of this state must obtain a user permit to operate a registered  
19 snowmobile on public land, public ice, or designated snowmobile  
20 trails. A nonresident's snowmobile must be registered in  
21 accordance with the requirements of another state and the  
22 operator must obtain a user permit for operation on public  
23 land, public ice, or designated snowmobile trails in Iowa.  
24 The registration decal of this state or another state and the  
25 user permit decal issued by this state must be displayed on a  
26 snowmobile operated on public land, public ice, or designated  
27 snowmobile trails in Iowa. Pursuant to current law, the fee  
28 for a user permit is \$15 plus an administrative fee of \$1.50  
29 and a writing fee of \$1 if the permit is issued by a license  
30 agent or \$1.25 if the permit is issued by a county treasurer.

31 The bill specifies that the original application for  
32 registration of a snowmobile must be filed with the county  
33 recorder of the owner's county of residence or if the owner is  
34 a nonresident, in the county of primary use. If a transfer  
35 of ownership occurs by operation of law, the application must

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1 be filed in the transferee's county of residence. Duplicate  
2 registrations and registration renewals may be accomplished  
3 through a county recorder or a license agent.

4 The bill provides that a snowmobile owned by the United  
5 States, this state, or another state, or by a governmental  
6 subdivision, is exempt from registration and user permit  
7 requirements in this state if the snowmobile is used for  
8 enforcement, search and rescue, or official research and  
9 studies, but not for recreational or commercial purposes.  
10 Current provisions for the issuance of registration  
11 certificates and registration decals for snowmobiles owned by  
12 the state of Iowa or its political subdivisions are stricken.

13 The bill makes a technical change requiring that every  
14 snowmobile be equipped with a headlight and a taillight, rather  
15 than a headlamp and a tail lamp.

16 The bill prohibits a person from water skipping a snowmobile  
17 on public water, except on rivers and streams during the period  
18 between November 1 and April 1. A violation is a simple  
19 misdemeanor punishable by a scheduled fine of \$100. "Water  
20 skipping" is defined as the operation of a snowmobile on the  
21 surface of water using the skis, track, and bottom surface of  
22 the snowmobile for flotation while the snowmobile is in motion.

23 The bill makes technical changes to clarify language  
24 relating to stop signal violations.

25 The bill increases the fee for a special registration  
26 certificate from \$15 to \$45 for snowmobile manufacturers,  
27 distributors, and dealers and extends the registration period  
28 from one year to three years. Special registration certificate  
29 renewals may be issued electronically. The bill provides  
30 for the issuance of a special registration decal along with  
31 the special registration certificate. The decal is to be  
32 displayed on a snowmobile when it is being operated for  
33 purposes of transporting, testing, demonstrating, or selling  
34 the snowmobile. Duplicate special registration certificates  
35 and decals may be issued electronically by a county recorder

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1 and are subject to a fee of \$5 plus a writing fee of \$1.25.  
2 Pursuant to current law, a safety certificate is required  
3 for operation of a snowmobile on regulated land or ice by a  
4 person under 18 years of age, and in addition, a person 12  
5 to 15 years of age must be under the direct supervision of a  
6 parent, guardian, or another adult authorized by the parent or  
7 guardian. The bill makes a terminology change by replacing the  
8 existing "safety certificate" with an "education certificate"  
9 throughout Code chapter 321G. In addition, the bill defines  
10 "direct supervision" to mean providing supervision of another  
11 person while maintaining visual and verbal contact at all  
12 times. Currently, a person under 16 years of age must have  
13 a safety certificate to operate a snowmobile on or across a  
14 public highway. The bill extends the requirement to persons  
15 under 18 years of age.  
16 The bill authorizes the department to develop requirements  
17 and standards for the provision of online education resulting  
18 in the issuance of education certificates. A vendor must  
19 enter into a memorandum of understanding with the department  
20 to conduct such a course. Pursuant to the memorandum of  
21 understanding, a vendor may charge a fee for the online course  
22 and collect the education certificate fee on behalf of the  
23 department.  
24 The bill provides that when a serial number on a snowmobile  
25 is destroyed or obliterated and the department assigns a  
26 distinguishing number to the snowmobile, the department may  
27 issue a special decal, rather than a plate, to be affixed to  
28 the snowmobile and bearing the distinguishing number.  
29 ALL-TERRAIN VEHICLE REGULATION. The bill makes numerous  
30 revisions to Code chapter 321I, which provides for the  
31 regulation of all-terrain vehicles by the department.  
32 The bill amends the definition of "off-road utility vehicle"  
33 to include rubber-tracked vehicles. In addition, the bill  
34 provides that off-road utility vehicles are subject to dealer  
35 registration and titling requirements applicable to other



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1 all-terrain vehicles. Currently, registration and titling by  
2 dealers is not required. The bill specifies that the operation  
3 of off-road utility vehicles is subject to provisions governing  
4 the operation of all-terrain vehicles both in statute and in  
5 administrative rules.

6 The bill revises the definition of "designated riding trail"  
7 to include any public land, private land, or public ice that  
8 has been designated by the department, a political subdivision,  
9 or a controlling entity for all-terrain vehicle use. Various  
10 Code sections are amended to include designated riding trails  
11 within the scope of department regulations.

12 The bill defines "public ice" as any frozen, navigable  
13 waters within the state and the marginal river areas adjacent  
14 to the state, other than farm ponds, under the jurisdiction  
15 of the natural resource commission. Various sections of Code  
16 chapter 321I are amended to specify the defined term.

17 The bill defines "resident", for purposes of all-terrain  
18 vehicle regulation, to mean the same as defined for purposes of  
19 hunting and fishing licenses.

20 The bill specifies that the original application for  
21 registration of an all-terrain vehicle must be filed with the  
22 county recorder of the county of residence or if the owner is  
23 a nonresident, in the county of primary use. If a transfer  
24 of ownership occurs by operation of law, the application must  
25 be filed in the transferee's county of residence. Duplicate  
26 registrations and registration renewals may be accomplished  
27 through a county recorder or a license agent. An all-terrain  
28 vehicle owned by a nonresident and registered in another state  
29 must be issued a user permit in this state, which is valid for  
30 use on only one all-terrain vehicle.

31 The bill provides that an all-terrain vehicle owned  
32 by the United States, this state, or another state, or by  
33 a governmental subdivision, is exempt from registration  
34 requirements in this state if the all-terrain vehicle  
35 is used for enforcement, search and rescue, or official

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1 research and studies, but not for recreational or commercial  
2 purposes. Current provisions for the issuance of registration  
3 certificates and registration decals for all-terrain vehicles  
4 owned by the state of Iowa or its political subdivisions are  
5 stricken.

6 The bill makes a technical change requiring that every  
7 all-terrain vehicle be equipped with a headlight and a  
8 taillight, rather than a headlamp and a tail lamp.

9 The bill provides for the inclusion of motorcycles and  
10 off-road utility vehicles in special events. Also, the  
11 requirement that the department furnish a copy of the rules for  
12 a special event to an applicant for the event is stricken.

13 The bill makes technical changes to clarify language  
14 relating to a person who violates a stop signal from a peace  
15 officer.

16 The bill increases the fee for a special registration  
17 certificate from \$15 to \$45 for all-terrain vehicle  
18 manufacturers, distributors, and dealers and extends the  
19 registration period from one year to three years. Special  
20 registration certificate renewals may be issued electronically.  
21 The bill provides for the issuance of a special registration  
22 decal along with the special registration certificate.  
23 The decal is to be displayed on an all-terrain vehicle  
24 when it is being operated for purposes of transporting,  
25 testing, demonstrating, or selling the vehicle. Duplicate  
26 special registration certificates and decals may be issued  
27 electronically by a county recorder and are subject to a fee of  
28 \$5 plus a writing fee of \$1.25.

29 Pursuant to current law, a safety certificate is required  
30 for operation of an all-terrain vehicle on public land or ice  
31 by a person between 12 and 18 years of age. The bill replaces  
32 the "safety certificate" with an "education certificate"  
33 throughout Code chapter 321I. The bill authorizes the  
34 department to develop requirements and standards for the  
35 provision of online education resulting in the issuance of

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1 education certificates. A vendor must enter into a memorandum  
2 of understanding with the department to conduct such a course.  
3 Pursuant to the memorandum of understanding, a vendor may  
4 charge a fee for the online course and collect the education  
5 certificate fee on behalf of the department.

6 The bill provides that when a serial number on an all-terrain  
7 vehicle is destroyed or obliterated and the department assigns  
8 a distinguishing number to the all-terrain vehicle, the  
9 department may issue a special decal, rather than a plate,  
10 to be affixed to the all-terrain vehicle and bearing the  
11 distinguishing number.

12 Code section 461C.2(5) is amended to include all-terrain  
13 vehicle riding among the public recreational purposes to be  
14 encouraged on private land in the state.

15 WATERCRAFT EDUCATION COURSES AND CERTIFICATES. Code section  
16 462A.2 is amended to include a definition of "watercraft  
17 education certificate" that is issued to a qualified applicant  
18 12 years of age or older. Code section 462A.12(6) is amended  
19 to change the nomenclature for the requirements that must be  
20 met by a person between 12 and 18 years of age to operate  
21 certain watercraft without an adult in the watercraft. Such a  
22 person is required to complete a department-approved watercraft  
23 education, instead of safety, course and obtain a watercraft  
24 education, instead of safety, certificate.

25 New Code section 462A.12A requires the department to  
26 develop requirements and standards for vendors to offer online  
27 watercraft education courses. Approved vendors may charge  
28 a fee for the course and may also collect the watercraft  
29 education certificate fee on behalf of the department as  
30 provided in a memorandum of understanding with the department.

31 SPECIAL CERTIFICATES FOR WATERCRAFT DEALERS AND  
32 MANUFACTURERS. Code section 462A.36 is amended to allow the  
33 natural resource commission to adopt rules establishing minimum  
34 requirements for special certificates to be issued, suspended,  
35 or revoked for vessel dealers or manufacturers. In adopting

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1 the rules, the commission shall consider the need to protect  
2 persons, property, and the environment, and promote uniform  
3 practices relating to the sale and use of vessels.

4 Code section 462A.40, requiring manufacturers or dealers  
5 to keep written records of the vessels upon which special  
6 certificates are used, and Code section 462A.42, requiring  
7 dealers to furnish a list to the commission each year of all  
8 used vessels held by them and for which registration has not  
9 been paid, are repealed.

10 Code section 462A.46 is amended to delete a requirement that  
11 when a dealer purchases or acquires a registered vessel, the  
12 dealer must mail or deliver a copy of the original receipt  
13 issued to the county recorder of the county where the vessel  
14 is registered and to the natural resource commission within 48  
15 hours.

16 Code section 462A.53 is amended to delete a limitation on  
17 the writing fee collected by a county treasurer for two or more  
18 functions transacted for the same vessel at one time. The bill  
19 provides that the county treasurer shall collect a writing fee  
20 of \$1.25 for each privilege relating to watercraft.



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**House File 2411 - Introduced**

HOUSE FILE 2411  
BY COMMITTEE ON JUDICIARY  
  
(SUCCESSOR TO HF 2010)

**A BILL FOR**

1 An Act relating to information provided by the department of  
2 human services prior to a child foster care placement.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 2411

1 Section 1. Section 237.3, subsection 2, paragraph k,  
2 subparagraph (1), Code 2011, is amended to read as follows:  
3 (1) Receiving information prior to the child's placement  
4 regarding risk factors concerning the child that are known to  
5 the department, including but not limited to notice if the  
6 child is required to register under chapter 692A or has a  
7 record of founded child abuse.

8 EXPLANATION

9 This bill relates to information provided by the department  
10 of human services prior to a child placement for family foster  
11 care.

12 Current law in Code section 237.3, relating to rules adopted  
13 by the department for child foster care, contains a list of  
14 rights and responsibilities of an individual providing family  
15 foster care. The bill revises a current requirement for the  
16 department to provide the individual with information on risk  
17 factors concerning the child to also include notice when the  
18 child has a record of founded child abuse.



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**House File 2412 - Introduced**

HOUSE FILE 2412  
BY ABDUL-SAMAD and GAINES

**A BILL FOR**

1 An Act providing for a teacher licensure renewal requirement  
2 relating to cultural competency training.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5953HH (3) 84  
kh/rj



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H.F. 2412

1 Section 1. Section 272.2, subsection 1, Code Supplement  
2 2011, is amended by adding the following new paragraph:  
3 NEW PARAGRAPH. c. Establish as a renewal requirement for  
4 a standard license the completion of one unit of cultural  
5 competency. For purposes of this paragraph, "*cultural*  
6 *competency*" means awareness and understanding of the values,  
7 lifestyles, history, and contributions of various identifiable  
8 cultural groups in our society; recognizing and dealing with  
9 dehumanizing biases such as sexism, racism, prejudice, and  
10 discrimination and raising awareness of the impact that such  
11 biases have on interpersonal relations; recognizing the ways  
12 in which dehumanizing biases may be reflected in instructional  
13 materials; and acquiring strategies to manage students from  
14 different cultures in a classroom setting.

15 EXPLANATION

16 This bill directs the board of educational examiners to  
17 establish as a renewal requirement for a standard license  
18 the completion of one unit of cultural competency. For  
19 purposes of the bill, "cultural competency" means awareness  
20 and understanding of the values, lifestyles, history, and  
21 contributions of various identifiable cultural groups in our  
22 society; recognizing and dealing with dehumanizing biases such  
23 as sexism, racism, prejudice, and discrimination and raising  
24 awareness of the impact that such biases have on interpersonal  
25 relations; recognizing the ways in which dehumanizing biases  
26 may be reflected in instructional materials; and acquiring  
27 strategies to manage students from different cultures in a  
28 classroom setting.



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**House File 2413 - Introduced**

HOUSE FILE 2413  
BY ABDUL-SAMAD and GAINES

**A BILL FOR**

1 An Act relating to the sealing of certain criminal records  
2 and including effective date and retroactive applicability  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5878YH (4) 84  
jm/rj



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H.F. 2413

1     Section 1. **NEW SECTION. 692C.1 Criminal records — seal.**  
2     1. As used in this section:  
3     *a. "Conviction"* means a conviction for a criminal offense  
4 and includes a guilty plea or deferred judgment but does not  
5 include a conviction for an offense classified as a simple  
6 misdemeanor punishable as a scheduled violation or a similar  
7 offense.  
8     *b. "Criminal history data"* means the same as defined in  
9 section 692.1.  
10    *c. "Employer"* means a person engaged in a business who  
11 has one or more employees, agents, or contract employees.  
12 "*Employer*" includes the armed forces of the United States, the  
13 Iowa army national guard, and the Iowa air national guard.  
14 "*Employer*" also includes an organization with volunteers.  
15    *d. "Seal"* means to physically and electronically maintain  
16 the record, but to make the record unavailable to the public  
17 without a court order and to remove the petitioner's name from  
18 any official record accessible to the public that is maintained  
19 by the department of public safety or the judicial branch  
20 including removal of all criminal history data relating to the  
21 conviction from any official record accessible to the public.  
22    2. Ten years after being discharged from a sentence for a  
23 conviction of a criminal offense, a person may file a petition  
24 requesting the court to seal records relating to the conviction  
25 for the criminal offense if all of the following apply:  
26    *a.* The person has not been convicted of a criminal offense,  
27 other than a simple misdemeanor punishable as a scheduled  
28 violation or a similar offense, in the period of time between  
29 the conviction of the offense and the time of the filing of the  
30 petition.  
31    *b.* The person has no pending criminal charges.  
32    *c.* All restitution, civil penalties, court costs, fines,  
33 fees, or other financial obligations ordered relating to the  
34 conviction have been paid in full.  
35    *d.* The criminal offense was not a violent offense

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1 directed at another person such as but not limited to murder,  
2 manslaughter, homicide, assault, arson in the first degree,  
3 sexual abuse, robbery, burglary in the first or second degree,  
4 kidnapping, or an attempt to commit such a criminal offense.  
5 3. For each criminal offense for which the request seeks to  
6 seal records, the petition must contain all of the following:  
7 a. The date of arrest.  
8 b. The arresting law enforcement agency.  
9 c. The case number assigned.  
10 d. The date of discharge from the sentence.  
11 4. The petition shall be filed in the county where the  
12 criminal offense occurred. If the petition contains a request  
13 to seal a criminal offense committed in more than one county,  
14 the petition shall be heard in the county where the majority  
15 of convictions occurred.  
16 5. The petitioner shall provide notice of the petition to  
17 the prosecutorial office that prosecuted the criminal offense  
18 and the department of public safety.  
19 6. The prosecutorial office that prosecuted the criminal  
20 offense shall have sixty days from the date of notification to  
21 file an objection to the petition.  
22 7. If the prosecutorial office objects to the petition, the  
23 court may, but is not required to, conduct a hearing on the  
24 petition and hear any evidence deemed appropriate by the court.  
25 8. If no objection is filed and upon a showing of good  
26 cause that the offense was not a violent offense directed at  
27 another person, the court shall order all records relating to  
28 the conviction listed in the petition sealed.  
29 9. Notwithstanding any other law to the contrary, upon  
30 entry of an order sealing records pursuant to this section,  
31 the judicial branch shall seal all records relating to the  
32 conviction including the arrest information and the order  
33 sealing the records. The judicial branch shall remove such  
34 records from public access including removal from the Iowa  
35 court information system.

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1     10. The clerk of the district court shall notify the  
2 department of public safety of the order sealing all records  
3 relating to the conviction. Upon notification of the order  
4 sealing all records relating to the conviction, the department  
5 of public safety shall seal the criminal history data and  
6 other related records including the order sealing the records,  
7 and shall not disclose the criminal history data pursuant to  
8 a request under section 692.2, subsection 1, paragraph "b",  
9 unless a criminal history data check is required by an employer  
10 as a matter of law.

11     11. If the department of public safety receives a request  
12 for criminal history data pursuant to section 692.2, subsection  
13 1, paragraph "b", the department of public safety shall not  
14 disseminate the criminal history data and other related records  
15 including the order sealing the records if the records are  
16 under seal unless a criminal history data check is required  
17 by an employer as a matter of law. The response by the  
18 department of public safety relating to a request shall be  
19 indistinguishable from the response the department would  
20 provide to a request for a criminal history data check for  
21 a person with no criminal history data unless the person has  
22 criminal history data that is not sealed.

23     12. *a.* An application for employment used by an employer  
24 which seeks information concerning prior arrests or convictions  
25 of the applicant shall include the following statement:

26     An applicant for employment with a sealed record may answer  
27 "no record" with respect to any inquiry relating to arrests,  
28 criminal court appearances, or convictions, for which the  
29 records are sealed.

30     *b.* This subsection does not apply to an employer required by  
31 law to conduct a criminal history data check on an applicant.

32     *c.* Notwithstanding this subsection, an applicant who applies  
33 for a position with an employer that requires a criminal  
34 history data check as a matter of law shall be required to  
35 disclose the arrest, criminal court appearance, or conviction

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1 if required by law.

2 13. The sealing of a record related to a conviction  
3 pursuant in this section shall not be construed to prevent the  
4 conviction to be counted as a previous offense for purposes of  
5 prosecution and sentencing.

6 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,  
7 2013.

8 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies  
9 retroactively to a conviction for a criminal offense committed  
10 on or after January 1, 1993.

11 EXPLANATION

12 This bill relates to the sealing of a criminal record.

13 Under the bill, 10 years after being discharged from a  
14 sentence for a conviction of a criminal offense, a person  
15 may petition the court requesting the court to seal records  
16 relating to the conviction of the offense if all of the  
17 following apply: the person has not been convicted of a  
18 criminal offense, other than a simple misdemeanor punishable  
19 as a scheduled violation or similar offense, in the period of  
20 time between the conviction of the offense and the time of the  
21 filing of the petition; the person has no pending criminal  
22 charges; all restitution, civil penalties, court costs, fines,  
23 fees, or other financial obligations ordered relating to the  
24 conviction have been paid in full; the offense was not a  
25 violent offense directed at another person such as but not  
26 limited to murder, manslaughter, homicide, assault, arson in  
27 the first degree, sexual abuse, burglary in the first or second  
28 degree, kidnapping, or an attempt to commit such an offense.

29 The bill requires the petition to seal a criminal record  
30 to contain all of the following: the date of arrest for each  
31 offense, the arresting law enforcement agency, the case number  
32 assigned to each offense requested to be sealed, and the date  
33 of discharge from the sentence for each case.

34 The bill requires the petitioner to notify the prosecutorial  
35 office that prosecuted the criminal offense and the department

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1 of public safety that a petition to seal a criminal record has  
2 been filed.

3 The bill specifies the prosecutorial office that prosecuted  
4 the case shall have 60 days from the date of the notification  
5 to file an objection to the petition.

6 Under the bill, if the prosecutorial office objects to the  
7 petition, the court may, but is not required to, conduct a  
8 hearing on the petition and hear any evidence that is deemed  
9 appropriate by the court.

10 If no objection to the petition is filed and upon a showing  
11 of good cause, the bill requires the court to order all the  
12 records relating to the conviction listed in the petition  
13 sealed.

14 Upon the issuance of an order sealing the records relating  
15 to a conviction, the bill requires the judicial branch to seal  
16 all records relating to a conviction including the arrest  
17 information and the order sealing the record, and to remove  
18 such records from public access including removal from the Iowa  
19 court information system.

20 The bill requires the clerk of the district court to notify  
21 the department of public safety of the order sealing all  
22 records relating to the conviction. Upon notification of the  
23 order sealing all records relating to the conviction, the bill  
24 requires the department of public safety to seal the criminal  
25 history data and other related records including the order  
26 sealing the records. The bill specifies that the department  
27 of public safety shall not disclose the criminal history data  
28 pursuant to a criminal history data check under Code section  
29 692.2(1)(b) unless a criminal history data check is required by  
30 an employer as a matter of law.

31 If the department of public safety receives a request for  
32 criminal history data pursuant to Code section 692.2(1)(b), the  
33 department shall not disseminate the criminal history data and  
34 other related records including the order sealing the records  
35 if such records are under seal unless a criminal history data

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1 check is required by an employer as a matter of law. The bill  
2 specifies that the response by the department of public safety  
3 relating to a request of a person with a sealed record shall  
4 be indistinguishable from the response the department would  
5 provide to a request for criminal history data of a person with  
6 no criminal history data unless the person has criminal history  
7 data that is not sealed.

8 The bill specifies that on an application for employment, an  
9 applicant may indicate "no record" with respect to any inquiry  
10 relating to an arrest, criminal court appearance, or conviction  
11 for which the record is sealed, unless the employer is required  
12 to perform a criminal history data check as a matter of law,  
13 and in such a case the applicant shall be required to disclose  
14 the conviction.

15 The bill specifies that the sealing of a record related to a  
16 conviction shall not be construed to prevent the conviction to  
17 be counted as a previous offense for purposes of prosecution.

18 The bill defines "conviction" to mean a conviction for  
19 criminal offense and includes a guilty plea or deferred  
20 judgment. "Conviction" does not include a conviction for an  
21 offense classified as a simple misdemeanor punishable as a  
22 scheduled violation or similar offense.

23 The bill defines "seal" to mean to physically and  
24 electronically maintain the record, but to make the record  
25 unavailable to the public without a court order and to  
26 remove the petitioner's name from any official public record  
27 maintained by the department of public safety or the judicial  
28 branch including removal of all criminal history data relating  
29 to the conviction.

30 The bill defines "employer" to mean a person engaged in a  
31 business who has one or more employees, agents, or contract  
32 employees. "Employer" includes the armed forces of the United  
33 States, the Iowa army national guard, and the Iowa air national  
34 guard. "Employer" in the bill also includes an organization  
35 with volunteers.

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1 The bill takes effect January 1, 2013, and applies  
2 retroactively to a criminal offense committed on or after  
3 January 1, 1993.



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**House File 2414 - Introduced**

HOUSE FILE 2414  
BY ABDUL-SAMAD

**A BILL FOR**

1 An Act prohibiting public employers from seeking information  
2 regarding felony convictions from job applicants unless  
3 required by law.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5872YH (1) 84  
je/sc



Iowa General Assembly  
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H.F. 2414

1 Section 1. NEW SECTION. 70A.40 Hiring — prohibited  
2 information.

3 1. For purposes of this section:

4 a. "Felony" means a conviction in a court of this or any  
5 other state or of the United States, of an offense classified  
6 as a felony by the law under which the defendant was convicted  
7 at the time of the defendant's conviction.

8 b. "Public employer" means the state, its boards,  
9 commissions, agencies, and departments, and its political  
10 subdivisions, including counties, cities, school districts, and  
11 other special purpose districts.

12 2. Unless required to do so by a state law or a federal  
13 law, regulation, or policy, a public employer shall not seek  
14 information in an employment application regarding whether  
15 an applicant has been convicted of a felony. Where seeking  
16 such information is required by a state law or a federal law,  
17 regulation, or policy, a public employer shall not implement  
18 the state law or the federal law, regulation, or policy in a  
19 manner that exceeds the specific requirements of the state law  
20 or the federal law, regulation, or policy.

21 EXPLANATION

22 This bill prohibits a public employer from seeking  
23 information in an employment application regarding whether  
24 an applicant has been convicted of a felony, unless the  
25 employer is required to do so by a state law or a federal law,  
26 regulation, or policy. The bill provides that where seeking  
27 such information is required by a state law or a federal law,  
28 regulation, or policy, a public employer shall not implement  
29 the state law or the federal law, regulation, or policy in a  
30 manner that exceeds the specific requirements of the state law  
31 or the federal law, regulation, or policy.





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**House File 2415 - Introduced**

HOUSE FILE 2415  
BY ABDUL-SAMAD

**A BILL FOR**

1 An Act concerning state agency reporting requirements in regard  
2 to grants awarded and minority impact statements.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5962YH (2) 84  
ec/nh



Iowa General Assembly  
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H.F. 2415

1 Section 1. Section 8.11, Code Supplement 2011, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 6. Each state agency shall submit an annual  
4 report to the general assembly by January 1 listing the grants  
5 awarded by the state agency in the previous fiscal year and  
6 including each minority impact statement submitted to the state  
7 agency for each grant awarded.

8 EXPLANATION

9 This bill requires state agencies to submit an annual report  
10 by January 1 each year to the general assembly listing grants  
11 awarded and including the minority impact statements submitted  
12 for the grants that were awarded by the state agency in the  
13 previous fiscal year.



Iowa General Assembly  
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House File 2416 - Introduced

HOUSE FILE 2416  
BY LUKAN

A BILL FOR

1 An Act providing an exemption from the computation of the state  
2 individual and corporate income tax and franchise tax of  
3 income derived from a registered Iowa patent and earned by a  
4 qualified Iowa business or resident.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5345YH (3) 84  
mm/sc



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H.F. 2416

1 Section 1. Section 422.7, Code Supplement 2011, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 57. *a.* Subtract, to the extent included,  
4 the income derived from a registered Iowa patent and earned  
5 by an Iowa resident who holds a valid, unexpired Iowa patent  
6 certificate or a qualified Iowa business that holds a valid,  
7 unexpired Iowa patent certificate.

8 *b.* The exemption in this subsection applies to income  
9 derived from a registered Iowa patent on or after the date  
10 the department issues an Iowa patent certificate for that  
11 registered Iowa patent. The department shall issue Iowa patent  
12 certificates beginning on or after July 1, 2012, for registered  
13 Iowa patents. An Iowa patent certificate shall be valid for  
14 five years from the date of issuance and shall be transferrable  
15 to any other qualified Iowa business or resident according to  
16 the rules prescribed by the department. A registered Iowa  
17 patent for which an Iowa patent certificate has been issued  
18 shall not be eligible for another Iowa patent certificate under  
19 this subsection.

20 *c.* An individual may claim the exemption allowed a qualified  
21 Iowa business that is a partnership, subchapter S corporation,  
22 or estate or trust electing to have the income taxed directly  
23 to the individual. The amount claimed by the individual shall  
24 be based upon the pro rata share of the individual's earnings  
25 of the partnership, subchapter S corporation, or estate or  
26 trust.

27 *d.* The department shall adopt rules pursuant to chapter 17A  
28 to administer this subsection.

29 *e.* For purposes of this subsection:

30 (1) *"Income derived from a registered Iowa patent"* means  
31 either of the following:

32 (a) Royalties, licensing fees, or other income earned from  
33 the licensing of a registered Iowa patent for use by another  
34 qualified Iowa business or resident.

35 (b) Income earned from the use of a registered Iowa patent

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1 by the qualified Iowa business or resident. However, the  
2 exemption for this type of income shall not exceed the fair  
3 market value of the royalties, licensing fees, or other income  
4 that would have been earned by allowing use of the registered  
5 Iowa patent by someone other than the qualified Iowa business  
6 or resident. The fair market value must be determined in each  
7 taxable year in which the qualified Iowa business or resident  
8 claims an exemption under this subsection.

9 (2) "*Qualified Iowa business*" means a business whose  
10 commercial domicile, as defined in section 422.32, is  
11 in this state, and includes a sole proprietorship, joint  
12 venture, partnership, limited liability company, corporation,  
13 association, or any other business entity operated for profit.

14 (3) "*Registered Iowa patent*" means a patent issued under 35  
15 U.S.C. § 101 or 35 U.S.C. § 161 that meets all the following  
16 requirements:

17 (a) The patented process, machine, manufacture, or  
18 composition of matter, or new and useful improvement thereof,  
19 or plant, was invented or discovered by a qualified Iowa  
20 business or resident.

21 (b) The patent was originally issued on or after July 1,  
22 2012.

23 (c) The patent is registered with the department in  
24 accordance with the forms and procedures prescribed by the  
25 department.

26 Sec. 2. Section 422.35, Code Supplement 2011, is amended by  
27 adding the following new subsection:

28 NEW SUBSECTION. 26. *a.* Subtract, to the extent included,  
29 the income derived from a registered Iowa patent and earned  
30 by an Iowa resident who holds a valid, unexpired Iowa patent  
31 certificate or a qualified Iowa business that holds a valid,  
32 unexpired Iowa patent certificate.

33 *b.* The exemption in this subsection applies to income  
34 derived from a registered Iowa patent on or after the date  
35 the department issues an Iowa patent certificate for that

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1 registered Iowa patent. The department shall issue Iowa patent  
2 certificates beginning on or after July 1, 2012, for registered  
3 Iowa patents. An Iowa patent certificate shall be valid for  
4 five years from the date of issuance and shall be transferrable  
5 to any other qualified Iowa business or resident according to  
6 the rules prescribed by the department. A registered Iowa  
7 patent for which an Iowa patent certificate has been issued  
8 shall not be eligible for another Iowa patent certificate under  
9 this subsection.

10 c. The department shall adopt rules pursuant to chapter 17A  
11 to administer this subsection.

12 d. For purposes of this subsection:

13 (1) *"Income derived from a registered Iowa patent"* means  
14 either of the following:

15 (a) Royalties, licensing fees, or other income earned from  
16 the licensing of a registered Iowa patent for use by another  
17 qualified Iowa business or resident.

18 (b) Income earned from the use of a registered Iowa patent  
19 by a qualified Iowa business or resident. However, the  
20 exemption for this type of income shall not exceed the fair  
21 market value of the royalties, licensing fees, or other income  
22 that would have been earned by allowing use of the registered  
23 Iowa patent by someone other than the qualified Iowa business  
24 or resident. The fair market value must be determined in each  
25 taxable year in which the qualified Iowa business or resident  
26 claims an exemption under this subsection.

27 (2) *"Qualified Iowa business"* means a business whose  
28 commercial domicile, as defined in section 422.32, is  
29 in this state, and includes a sole proprietorship, joint  
30 venture, partnership, limited liability company, corporation,  
31 association, or any other business entity operated for profit.

32 (3) *"Registered Iowa patent"* means a patent issued under 35  
33 U.S.C. § 101 or 35 U.S.C. § 161 that meets all the following  
34 requirements:

35 (a) The patented process, machine, manufacture, or

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1 composition of matter, or new and useful improvement thereof,  
2 or plant, was invented or discovered by a qualified Iowa  
3 business or resident.

4 (b) The patent was originally issued on or after July 1,  
5 2012.

6 (c) The patent is registered with the department in  
7 accordance with the forms and procedures prescribed by the  
8 department.

9 (4) "Resident" means the same as defined in section 422.4.

10 EXPLANATION

11 This bill provides an individual and corporate income  
12 tax and franchise tax exemption for income derived from a  
13 registered Iowa patent and earned by a qualified Iowa business  
14 or resident. "Registered Iowa patent" is defined as a patent  
15 which is issued under 35 U.S.C. § 101, which is commonly  
16 referred to as a utility patent, or 35 U.S.C. § 161, which  
17 is commonly referred to as a plant patent, and which is  
18 originally issued on or after July 1, 2012, registered with  
19 the department of revenue, and invented or discovered by a  
20 qualified Iowa business or resident. "Qualified Iowa business"  
21 means any business whose commercial domicile is in this state.  
22 "Commercial domicile" is defined in Code section 422.32 as  
23 the principal place from which the trade or business of the  
24 taxpayer is directed or managed.

25 Income eligible for the exemption includes royalties,  
26 licensing fees, or other income earned from the licensing of  
27 a registered Iowa patent for use by another qualified Iowa  
28 business or resident. It also includes income earned from the  
29 taxpayer's own use of the patent, but the exemption is limited  
30 to the fair market value of the royalties, licensing fees, or  
31 other income that would have been earned by allowing use of the  
32 registered Iowa patent by someone other than the qualified Iowa  
33 business or resident.

34 The bill provides that a qualified Iowa business or resident  
35 must hold a valid, unexpired Iowa patent certificate in order

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1 to claim the exemption provided in the bill. Iowa patent  
2 certificates shall be issued by the department of revenue  
3 for registered Iowa patents. The certificates shall be  
4 transferrable to another qualified Iowa business or resident to  
5 allow the buyer, assignee, or transferee of a registered Iowa  
6 patent to take advantage of the income tax exclusion provided  
7 in the bill, provided the other requirements for exemption are  
8 met.

9 Each certificate shall be valid for five years and shall  
10 be issued once per registered Iowa patent. As a result, each  
11 registered Iowa patent will be eligible for a maximum of five  
12 years of tax exemption under the bill.





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House Study Bill 662 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON SANDS)

A BILL FOR

1 An Act providing a sales tax exemption for sales of textbooks  
2 for limited time periods annually and including effective  
3 date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6093YC (2) 84  
mm/sc



Iowa General Assembly  
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H.F. \_\_\_\_\_

1 Section 1. Section 423.3, Code Supplement 2011, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 96. *a.* The sales price of new and used  
4 textbooks for use in attending a postsecondary educational  
5 institution if the sale takes place during either of the  
6 following periods:

7 (1) The period beginning at 12:01 a.m. on the first Friday  
8 in August and ending at midnight on the following Saturday.

9 (2) The period beginning at 12:01 a.m. on the first Friday  
10 in January and ending at midnight on the following Saturday.

11 *b.* For purposes of this subsection:

12 (1) "*Postsecondary educational institution*" means an  
13 accredited higher education institution as defined in section  
14 261.92, an Iowa community college, a postsecondary educational  
15 institution under the control of the state board of regents, a  
16 school of cosmetology arts and sciences licensed under chapter  
17 157, or a barber school licensed under chapter 158.

18 (2) "*Textbooks*" means books and other printed materials used  
19 in attending a postsecondary educational institution in this  
20 state.

21 *c.* Postsecondary educational institutions are required  
22 to provide the titles of required and recommended textbooks  
23 for all courses and the corresponding authors, publishers,  
24 and international standard book numbers for such textbooks on  
25 the postsecondary educational institution's internet site for  
26 access to all booksellers and all students. The state board  
27 of regents shall designate the format by which the textbook  
28 information shall be provided.

29 *d.* In order to receive the sales tax exemption, a person is  
30 required to show a current official identification card from a  
31 postsecondary educational institution and either the purchaser  
32 or the bookseller must show that a textbook intended to be  
33 purchased is on a list of textbooks provided by a postsecondary  
34 educational institution under paragraph "*c*".

35 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of

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1 immediate importance, takes effect upon enactment.

2 EXPLANATION

3 This bill provides an annual limited-time sales tax  
4 exemption for textbooks used in attending a public or private  
5 Iowa postsecondary educational institution, including licensed  
6 cosmetology and barber schools. "Textbooks" is defined as  
7 books and other printed materials.

8 Postsecondary educational institutions are required to  
9 provide the titles of textbooks for all courses and the  
10 authors, publishers, and corresponding international standard  
11 book numbers for the textbooks on the institution's internet  
12 site in order for all booksellers and students to have access  
13 to the information. The state board of regents is required to  
14 provide the format in which the textbook information must be  
15 provided.

16 In order to qualify for the exemption, the textbook sale must  
17 take place during either of the periods beginning at 12:01 a.m.  
18 on the first Friday in January or August and ending at midnight  
19 on the following Saturday, and a person must show a current  
20 official identification card from a postsecondary educational  
21 institution and either the purchaser or the bookseller must  
22 show that the textbook intended to be purchased is on an  
23 institution's textbooks list.

24 By operation of Code section 423.6, an item exempt from the  
25 imposition of the sales tax is also exempt from the use tax  
26 imposed in Code section 423.5.

27 The bill takes effect upon enactment.



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Senate File 2160

S-5035

1 Amend Senate File 2160 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 249A.4, Code 2011, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 9A. a. Allow supplementation of  
7 the combination of client participation and payment  
8 made through the medical assistance program for  
9 those items and services identified in 42 C.F.R. §  
10 483.10(c)(8)(ii), by the resident of a nursing facility  
11 or the resident's family. Supplementation under this  
12 subsection may include supplementation for provision of  
13 a private room not otherwise covered under the medical  
14 assistance program unless either of the following  
15 applies:

16 (1) The private room is therapeutically required  
17 pursuant to 42 C.F.R. § 483.10(c)(8)(ii).

18 (2) No room other than the private room is  
19 available.

20 b. The rules adopted to administer this subsection  
21 shall require all of the following if a nursing  
22 facility provides for supplementation for provision of  
23 a private room:

24 (1) The nursing facility shall inform all current  
25 and prospective residents and residents' legal  
26 representatives of the following:

27 (a) If the resident desires a private room,  
28 the resident or resident's family may provide  
29 supplementation by directly paying the facility the  
30 amount of supplementation. Supplementation by a  
31 resident's family shall not be treated as income of the  
32 resident for purposes of medical assistance program  
33 eligibility or client participation.

34 (b) The nursing facility's policy if a resident  
35 residing in a private room converts from private pay to  
36 payment under the medical assistance program, but the  
37 resident or resident's family is not willing or able to  
38 pay supplementation for the private room.

39 (c) A description and identification of the private  
40 rooms for which supplementation is available.

41 (d) The process for an individual to take legal  
42 responsibility for providing supplementation, including  
43 identification of the individual and the extent of the  
44 legal responsibility.

45 (2) For a resident for whom the nursing facility  
46 receives supplementation, the nursing facility shall  
47 indicate in the resident's record all of the following:

48 (a) A description and identification of the private  
49 room for which the nursing facility is receiving  
50 supplementation.

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1 (b) The identity of the individual making the  
2 supplemental payments.  
3 (c) The private pay charge for the private  
4 room for which the nursing facility is receiving  
5 supplementation.  
6 (d) The total charge to the resident for the  
7 private room for which the nursing facility is  
8 receiving supplementation, the portion of the total  
9 charge reimbursed under the medical assistance program,  
10 and the portion of the total charge reimbursed through  
11 supplementation.  
12 (3) If the nursing facility only provides one type  
13 of room or all private rooms, the nursing facility  
14 shall not be eligible to request supplementation.  
15 (4) A nursing facility may base the supplementation  
16 amount on the difference between the amount paid for a  
17 room covered under the medical assistance program and  
18 the private pay rate for the private room identified  
19 for supplementation. However, the total payment for  
20 the private room from all sources shall not be greater  
21 than the aggregate average private room rate for the  
22 type of rooms covered under the medical assistance  
23 program for which the resident would be eligible.  
24 (5) Supplementation pursuant to this subsection  
25 shall not be required as a precondition of admission,  
26 expedited admission, or continued stay in a facility.  
27 (6) Supplementation shall not be applicable if the  
28 facility's occupancy rate is less than eighty percent.  
29 (7) The nursing facility shall ensure that  
30 all appropriate care is provided to all residents  
31 notwithstanding the applicability or availability of  
32 supplementation.  
33 (8) A private room for which supplementation is  
34 required shall be retained for the resident consistent  
35 with existing bed-hold policies.>

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MARY JO WILHELM



Iowa General Assembly  
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Senate File 2249

S-5036

- 1 Amend Senate File 2249 as follows:  
2 1. Page 2, by striking line 30 and inserting <by a  
3 fee in the amount established for a temporary permit  
4 under subsection 2, paragraph "b".>  
5 2. Page 3, after line 15 by inserting:  
6 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This Act,  
7 being deemed of immediate importance, takes effect upon  
8 enactment.>  
9 3. Title page, line 3, after <requirements> by  
10 inserting <, and including effective date provisions>  
11 4. By renumbering as necessary.

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TOD BOWMAN



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Senate File 2250

S-5037

- 1 Amend Senate File 2250 as follows:  
2 1. Page 2, line 10, by striking <— EMERGENCY  
3 RULES>  
4 2. Page 2, line 11, by striking <1.>  
5 3. Page 2, by striking lines 16 through 18 and  
6 inserting <designation of the existing area agencies  
7 on aging and designate a new area agency on aging to  
8 represent each planning and service area effective no  
9 later than July 1, 2013.>  
10 4. Page 2, by striking lines 19 through 25.

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JOE BOLKCOM



Iowa General Assembly  
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**Senate File 2313 - Introduced**

SENATE FILE 2313  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3173)

**A BILL FOR**

1 An Act relating to appropriations to certain state departments,  
2 agencies, funds, and certain other entities, providing for  
3 regulatory authority, and other properly related matters.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5114SV (2) 84  
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1 Section 1. 2011 Iowa Acts, chapter 127, section 61, is  
2 amended to read as follows:

3 SEC. 61. DEPARTMENT OF ADMINISTRATIVE SERVICES.

4 1. There is appropriated from the general fund of the state  
5 to the department of administrative services for the fiscal  
6 year beginning July 1, 2012, and ending June 30, 2013, the  
7 following amounts, or so much thereof as is necessary, to be  
8 used for the purposes designated, and for not more than the  
9 following full-time equivalent positions:

10 a. For salaries, support, maintenance, and miscellaneous  
11 purposes:

12 .....	\$	2,010,172
13 .....		<u>4,020,344</u>
14 .....	FTEs	84.18
15 .....		<u>78.37</u>

16 b. For the payment of utility costs:

17 .....	\$	<del>1,313,230</del>
18 .....		<u>2,626,460</u>
19 .....	FTEs	1.00

20 Notwithstanding section 8.33, any excess funds appropriated  
21 for utility costs in this lettered paragraph shall not revert  
22 to the general fund of the state at the end of the fiscal year  
23 but shall remain available for expenditure for the purposes of  
24 this lettered paragraph during the succeeding fiscal year.

25 c. For Terrace Hill operations:

26 .....	\$	<del>202,957</del>
27 .....		<u>405,914</u>
28 .....	FTEs	6.88
29 .....		<u>5.00</u>

30 d. For the I3 distribution account:

31 .....	\$	<del>1,638,973</del>
32 .....		<u>3,277,946</u>

33 e. For operations and maintenance of the Iowa building:

34 .....	\$	<del>497,768</del>
35 .....		<u>995,535</u>

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1 ..... FTEs 7.00  
2 6.78

3 2. Members of the general assembly serving as members of  
4 the deferred compensation advisory board shall be entitled  
5 to receive per diem and necessary travel and actual expenses  
6 pursuant to section 2.10, subsection 5, while carrying out  
7 their official duties as members of the board.

8 3. Any funds and premiums collected by the department for  
9 workers' compensation shall be segregated into a separate  
10 workers' compensation fund in the state treasury to be used  
11 for payment of state employees' workers' compensation claims  
12 and administrative costs. Notwithstanding section 8.33,  
13 unencumbered or unobligated moneys remaining in this workers'  
14 compensation fund at the end of the fiscal year shall not  
15 revert but shall be available for expenditure for purposes of  
16 the fund for subsequent fiscal years.

17 Sec. 2. DEPARTMENT OF ADMINISTRATIVE SERVICES — TRANSFER  
18 — MEDICATION THERAPY MANAGEMENT PROGRAM. Contingent upon the  
19 enactment of legislation during the 2012 legislative session  
20 establishing a medication therapy management program, there is  
21 transferred from the fees collected by the board of pharmacy  
22 pursuant to chapter 155A and retained by the board pursuant to  
23 the authority granted in section 147.82 to the department of  
24 administrative services for the fiscal year beginning July 1,  
25 2012, and ending June 30, 2013, \$510,000 to be used for the  
26 medication therapy management program.

27 Sec. 3. 2011 Iowa Acts, chapter 127, section 65, is amended  
28 to read as follows:

29 SEC. 65. AUDITOR OF STATE.

30 1. There is appropriated from the general fund of the  
31 state to the office of the auditor of state for the fiscal  
32 year beginning July 1, 2012, and ending June 30, 2013, subject  
33 to subsection 3 of this section, the following amount, or so  
34 much thereof as is necessary, to be used for the purposes  
35 designated, and for not more than the following full-time



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1 equivalent positions:

2 For salaries, support, maintenance, and miscellaneous  
3 purposes:

4 .....	\$	452,734
5 .....		<u>905,468</u>
6 .....	FTEs	103.00

7 2. The auditor of state may retain additional full-time  
8 equivalent positions as is reasonable and necessary to  
9 perform governmental subdivision audits which are reimbursable  
10 pursuant to section 11.20 or 11.21, to perform audits which are  
11 requested by and reimbursable from the federal government, and  
12 to perform work requested by and reimbursable from departments  
13 or agencies pursuant to section 11.5A or 11.5B. The auditor  
14 of state shall notify the department of management, the  
15 legislative fiscal committee, and the legislative services  
16 agency of the additional full-time equivalent positions  
17 retained.

18 3. The auditor of state shall allocate resources from the  
19 appropriation in this section solely for audit work related to  
20 the comprehensive annual financial report, federally required  
21 audits, and investigations of embezzlement, theft, or other  
22 significant financial irregularities until the audit of the  
23 comprehensive annual financial report is complete.

24 Sec. 4. 2011 Iowa Acts, chapter 127, section 66, is amended  
25 to read as follows:

26 SEC. 66. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There  
27 is appropriated from the general fund of the state to the  
28 Iowa ethics and campaign disclosure board for the fiscal year  
29 beginning July 1, 2012, and ending June 30, 2013, the following  
30 amount, or so much thereof as is necessary, for the purposes  
31 designated:

32 For salaries, support, maintenance, and miscellaneous  
33 purposes, and for not more than the following full-time  
34 equivalent positions:

35 .....	\$	237,500
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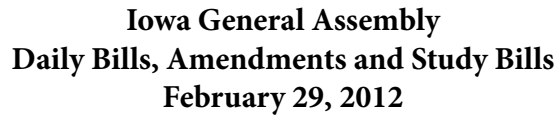
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1 510,000  
2 ..... FTEs 5.00  
3     Sec. 5. 2011 Iowa Acts, chapter 127, section 67, subsection  
4 1, is amended to read as follows:  
5     1. There is appropriated from the general fund of the  
6 state to the department of commerce for the fiscal year  
7 beginning July 1, 2012, and ending June 30, 2013, the following  
8 amounts, or so much thereof as is necessary, for the purposes  
9 designated:  
10     a. ALCOHOLIC BEVERAGES DIVISION  
11     For salaries, support, maintenance, and miscellaneous  
12 purposes, and for not more than the following full-time  
13 equivalent positions:  
14 ..... \$ 610,196  
15 1,220,391  
16 ..... FTEs 21.00  
17 18.50  
18     b. PROFESSIONAL LICENSING AND REGULATION BUREAU  
19     For salaries, support, maintenance, and miscellaneous  
20 purposes, and for not more than the following full-time  
21 equivalent positions:  
22 ..... \$ 300,177  
23 600,353  
24 ..... FTEs 12.00  
25     Sec. 6. 2011 Iowa Acts, chapter 127, section 67, subsection  
26 2, paragraphs a, b, and c, are amended to read as follows:  
27     a. BANKING DIVISION  
28     For salaries, support, maintenance, and miscellaneous  
29 purposes, and for not more than the following full-time  
30 equivalent positions:  
31 ..... \$ 4,425,835  
32 9,098,170  
33 ..... FTEs 80.00  
34 70.50  
35     b. CREDIT UNION DIVISION

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1	For salaries, support, maintenance, and miscellaneous	
2	purposes, and for not more than the following full-time	
3	equivalent positions:	
4	.....	\$ 863,998
5		<u>1,792,995</u>
6	..... FTEs	19.00
7		15.00

12	.....	\$	2,491,622
13			<u>4,983,244</u>
14	.....	FTEs	<u>106.50</u>
15			99.50

34 (1) For salaries, support, maintenance, and miscellaneous  
35 purposes, and for not more than the following full-time



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1 equivalent positions:

2 .....	\$	4,086,535
3 .....		<u>8,173,069</u>
4 .....	FTEs	79.00

5 (2) The utilities division may expend additional funds,  
6 including funds for additional personnel, if those additional  
7 expenditures are actual expenses which exceed the funds  
8 budgeted for utility regulation and the expenditures are fully  
9 reimbursable. Before the division expends or encumbers an  
10 amount in excess of the funds budgeted for regulation, the  
11 division shall first do both of the following:

12 (a) Notify the department of management, the legislative  
13 services agency, and the legislative fiscal committee of the  
14 need for the expenditures.

15 (b) File with each of the entities named in subparagraph  
16 division (a) the legislative and regulatory justification for  
17 the expenditures, along with an estimate of the expenditures.

18 Sec. 8. 2011 Iowa Acts, chapter 127, section 68, is amended  
19 to read as follows:

20 SEC. 68. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING  
21 AND REGULATION BUREAU. There is appropriated from the housing  
22 trust fund of the Iowa finance authority created in section  
23 16.181, to the bureau of professional licensing and regulation  
24 of the banking division of the department of commerce for the  
25 fiscal year beginning July 1, 2012, and ending June 30, 2013,  
26 the following amount, or so much thereof as is necessary, to be  
27 used for the purposes designated:

28 For salaries, support, maintenance, and miscellaneous  
29 purposes:

30 .....	\$	31,159
31 .....		<u>62,317</u>

32 Sec. 9. IOWA TELECOMMUNICATIONS AND TECHNOLOGY  
33 COMMISSION — REGIONAL TELECOMMUNICATIONS COUNCILS. There is  
34 appropriated from the general fund of the state to the Iowa  
35 telecommunications and technology commission for the fiscal



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1 year beginning July 1, 2012, and ending June 30, 2013, the  
2 following amounts, or so much thereof as is necessary, to be  
3 used for the purposes designated:

4 For state aid for regional telecommunications councils:  
5 ..... \$ 992,913

6 The regional telecommunications councils established  
7 in section 8D.5 shall use the moneys appropriated in  
8 this section to provide technical assistance for network  
9 classrooms, planning and troubleshooting for local area  
10 networks, scheduling of video sites, and other related support  
11 activities.

12 Sec. 10. 2011 Iowa Acts, chapter 127, section 69, is amended  
13 to read as follows:

14 SEC. 69. GOVERNOR AND LIEUTENANT GOVERNOR. There is  
15 appropriated from the general fund of the state to the offices  
16 of the governor and the lieutenant governor for the fiscal year  
17 beginning July 1, 2012, and ending June 30, 2013, the following  
18 amounts, or so much thereof as is necessary, to be used for the  
19 purposes designated:

20 1. GENERAL OFFICE

21 For salaries, support, maintenance, and miscellaneous  
22 purposes:

23 .....	\$	<del>1,144,013</del>
24 .....		<u>2,194,914</u>
25 .....	FTEs	<del>22.88</del>
26 .....		<u>20.00</u>

27 2. TERRACE HILL QUARTERS

28 For salaries, support, maintenance, and miscellaneous  
29 purposes for the governor's quarters at Terrace Hill, and for  
30 not more than the following full-time equivalent positions:

31 .....	\$	93,111
32 .....	FTEs	<u>2.00</u>

33 Sec. 11. 2011 Iowa Acts, chapter 127, section 70, is amended  
34 to read as follows:

35 SEC. 70. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There

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1 is appropriated from the general fund of the state to the  
2 governor's office of drug control policy for the fiscal year  
3 beginning July 1, 2012, and ending June 30, 2013, the following  
4 amount, or so much thereof as is necessary, to be used for the  
5 purposes designated:

6 For salaries, support, maintenance, and miscellaneous  
7 purposes, including statewide coordination of the drug abuse  
8 resistance education (D.A.R.E.) programs or similar programs,  
9 and for not more than the following full-time equivalent  
10 positions:  
11 ..... \$ 145,000  
12 0  
13 ..... FTEs 8.00  
14 2.00

15 Sec. 12. 2011 Iowa Acts, chapter 127, section 71, is amended  
16 to read as follows:

17 SEC. 71. DEPARTMENT OF HUMAN RIGHTS. There is appropriated  
18 from the general fund of the state to the department of human  
19 rights for the fiscal year beginning July 1, 2012, and ending  
20 June 30, 2013, the following amounts, or so much thereof as is  
21 necessary, to be used for the purposes designated:

22 1. CENTRAL ADMINISTRATION DIVISION

23 For salaries, support, maintenance, and miscellaneous  
24 purposes, and for not more than the following full-time  
25 equivalent positions:

26 ..... \$ 103,052  
27 206,103  
28 ..... FTEs 7.00  
29 5.35

30 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

31 For salaries, support, maintenance, and miscellaneous  
32 purposes, and for not more than the following full-time  
33 equivalent positions:

34 ..... \$ 514,039  
35 1,028,077

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1	.....	FTEs	17.00
2			<u>9.38</u>
3	3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION		
4	For salaries, support, maintenance, and miscellaneous		
5	purposes, and for not more than the following full-time		
6	equivalent positions:		
7	.....	\$	511,946
8			<u>1,023,892</u>
9	.....	FTEs	10.00
10	The criminal and juvenile justice planning advisory council		
11	and the juvenile justice advisory council shall coordinate		
12	their efforts in carrying out their respective duties relative		
13	to juvenile justice.		
14	Sec. 13. 2011 Iowa Acts, chapter 127, section 72, is amended		
15	to read as follows:		
16	SEC. 72. DEPARTMENT OF INSPECTIONS AND APPEALS. There		
17	is appropriated from the general fund of the state to the		
18	department of inspections and appeals for the fiscal year		
19	beginning July 1, 2012, and ending June 30, 2013, the following		
20	amounts, or so much thereof as is necessary, for the purposes		
21	designated:		
22	1. ADMINISTRATION DIVISION		
23	For salaries, support, maintenance, and miscellaneous		
24	purposes, and for not more than the following full-time		
25	equivalent positions:		
26	.....	\$	763,870
27			<u>248,409</u>
28	.....	FTEs	37.40
29			<u>14.25</u>
30	2. ADMINISTRATIVE HEARINGS DIVISION		
31	For salaries, support, maintenance, and miscellaneous		
32	purposes, and for not more than the following full-time		
33	equivalent positions:		
34	.....	\$	264,377
35			<u>678,942</u>



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1 ..... FTEs 23.00  
2 3. INVESTIGATIONS DIVISION  
3 a. For salaries, support, maintenance, and miscellaneous  
4 purposes, and for not more than the following full-time  
5 equivalent positions:  
6 ..... \$ 584,320  
7 2,172,971  
8 ..... FTEs 58.50  
9 b. The department, in coordination with the investigations  
10 division, shall provide a report to the general assembly by  
11 January 10, 2013, concerning the fiscal impact of additional  
12 full-time equivalent positions on the department's efforts  
13 relative to the Medicaid divestiture program under chapter  
14 249F.  
15 4. HEALTH FACILITIES DIVISION  
16 a. For salaries, support, maintenance, and miscellaneous  
17 purposes, and for not more than the following full-time  
18 equivalent positions:  
19 ..... \$ 1,777,664  
20 5,763,146  
21 ..... FTEs 134.75  
22 121.75  
23 b. The department shall, in coordination with the health  
24 facilities division, make the following information available  
25 to the public ~~in a timely manner, to include providing the~~  
26 ~~information on as part of the department's development efforts~~  
27 ~~to revise the department's internet website, during the fiscal~~  
28 ~~year beginning July 1, 2012, and ending June 30, 2013:~~  
29 (1) The number of inspections conducted by the division  
30 annually by type of service provider and type of inspection.  
31 (2) The total annual operations budget for the division,  
32 including general fund appropriations and federal contract  
33 dollars received by type of service provider inspected.  
34 (3) The total number of full-time equivalent positions in  
35 the division, to include the number of full-time equivalent

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1 positions serving in a supervisory capacity, and serving as  
2 surveyors, inspectors, or monitors in the field by type of  
3 service provider inspected.

4 (4) Identification of state and federal survey trends,  
5 cited regulations, the scope and severity of deficiencies  
6 identified, and federal and state fines assessed and collected  
7 concerning nursing and assisted living facilities and programs.

8 c. It is the intent of the general assembly that the  
9 department and division continuously solicit input from  
10 facilities regulated by the division to assess and improve  
11 the division's level of collaboration and to identify new  
12 opportunities for cooperation.

13 5. EMPLOYMENT APPEAL BOARD

14 a. For salaries, support, maintenance, and miscellaneous  
15 purposes, and for not more than the following full-time  
16 equivalent positions:

17 .....	\$	<del>21,108</del>
18 .....		<u>42,215</u>
19 .....	FTEs	14.00

20 b. The employment appeal board shall be reimbursed by  
21 the labor services division of the department of workforce  
22 development for all costs associated with hearings conducted  
23 under chapter 91C, related to contractor registration. The  
24 board may expend, in addition to the amount appropriated under  
25 this subsection, additional amounts as are directly billable  
26 to the labor services division under this subsection and to  
27 retain the additional full-time equivalent positions as needed  
28 to conduct hearings required pursuant to chapter 91C.

29 6. CHILD ADVOCACY BOARD

30 a. For foster care review and the court appointed special  
31 advocate program, including salaries, support, maintenance, and  
32 miscellaneous purposes, and for not more than the following  
33 full-time equivalent positions:

34 .....	\$	<del>1,340,145</del>
35 .....		<u>2,680,290</u>

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1 ..... FTEs 40.80  
2 32.35

3 b. The department of human services, in coordination with  
4 the child advocacy board and the department of inspections and  
5 appeals, shall submit an application for funding available  
6 pursuant to Tit. IV-E of the federal Social Security Act for  
7 claims for child advocacy board administrative review costs.

8 c. The court appointed special advocate program shall  
9 investigate and develop opportunities for expanding  
10 fund-raising for the program.

11 d. Administrative costs charged by the department of  
12 inspections and appeals for items funded under this subsection  
13 shall not exceed 4 percent of the amount appropriated in this  
14 subsection.

15 Sec. 14. 2011 Iowa Acts, chapter 127, section 72, is amended  
16 by adding the following new subsection:

17 NEW SUBSECTION. 7. FOOD AND CONSUMER SAFETY

18 For salaries, support, maintenance, and miscellaneous  
19 purposes, and for not more than the following full-time  
20 equivalent positions:

21 ..... \$ 1,279,331  
22 ..... FTEs 21.00

23 Sec. 15. 2011 Iowa Acts, chapter 127, section 73, is amended  
24 to read as follows:

25 SEC. 73. DEPARTMENT OF INSPECTIONS AND APPEALS — MUNICIPAL  
26 CORPORATION FOOD INSPECTIONS. For the fiscal year beginning  
27 July 1, 2012, and ending June 30, 2013, the department of  
28 inspections and appeals shall retain any license fees generated  
29 during the fiscal year as a result of actions under section  
30 137F.3A occurring during the period beginning July 1, 2009, and  
31 ending June 30, ~~2011~~ 2013, for the purpose of enforcing the  
32 provisions of chapters 137C, 137D, and 137F.

33 Sec. 16. 2011 Iowa Acts, chapter 127, section 78, is amended  
34 to read as follows:

35 SEC. 78. RACING AND GAMING COMMISSION.

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1     1. RACETRACK REGULATION

2     There is appropriated from the gaming regulatory revolving  
3 fund established in section 99F.20 to the racing and gaming  
4 commission of the department of inspections and appeals for the  
5 fiscal year beginning July 1, 2012, and ending June 30, 2013,  
6 the following amount, or so much thereof as is necessary, to be  
7 used for the purposes designated:

8     For salaries, support, maintenance, and miscellaneous  
9 purposes for the regulation of pari-mutuel racetracks, and for  
10 not more than the following full-time equivalent positions:  
11 ..... \$ ~~1,255,720~~  
12 ..... 2,898,925  
13 ..... FTEs ~~28.53~~  
14 ..... 32.03

15    2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

16    There is appropriated from the gaming regulatory revolving  
17 fund established in section 99F.20 to the racing and gaming  
18 commission of the department of inspections and appeals for the  
19 fiscal year beginning July 1, 2012, and ending June 30, 2013,  
20 the following amount, or so much thereof as is necessary, to be  
21 used for the purposes designated:

22    For salaries, support, maintenance, and miscellaneous  
23 purposes for administration and enforcement of the excursion  
24 boat gambling and gambling structure laws, and for not more  
25 than the following full-time equivalent positions:  
26 ..... \$ ~~1,539,050~~  
27 ..... 2,923,838  
28 ..... FTEs ~~44.22~~  
29 ..... 40.72

30    Sec. 17. 2011 Iowa Acts, chapter 127, section 79, is amended  
31 to read as follows:

32    SEC. 79. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF  
33 INSPECTIONS AND APPEALS. There is appropriated from the road  
34 use tax fund created in section 312.1 to the administrative  
35 hearings division of the department of inspections and appeals

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1 for the fiscal year beginning July 1, 2012, and ending June 30,  
2 2013, the following amount, or so much thereof as is necessary,  
3 for the purposes designated:

4 For salaries, support, maintenance, and miscellaneous  
5 purposes:

6 ..... \$ ~~811,949~~  
7 1,623,897

8 Sec. 18. 2011 Iowa Acts, chapter 127, section 80, is amended  
9 to read as follows:

10 SEC. 80. DEPARTMENT OF MANAGEMENT.

11 1. There is appropriated from the general fund of the state  
12 to the department of management for the fiscal year beginning  
13 July 1, 2012, and ending June 30, 2013, the following amounts,  
14 or so much thereof as is necessary, to be used for the purposes  
15 designated:

16 For salaries, support, maintenance, and miscellaneous  
17 purposes, and for not more than the following full-time  
18 equivalent positions:

19 ..... \$ ~~1,196,999~~  
20 2,393,998  
21 ..... FTEs ~~25.00~~  
22 20.00

23 2. Of the moneys appropriated in this section, the  
24 department shall use a portion for enterprise resource  
25 planning, providing for a salary model administrator,  
26 conducting performance audits, and for the department's LEAN  
27 process.

28 Sec. 19. 2011 Iowa Acts, chapter 127, section 81, is amended  
29 to read as follows:

30 SEC. 81. ROAD USE TAX APPROPRIATION — DEPARTMENT OF  
31 MANAGEMENT. There is appropriated from the road use tax fund  
32 created in section 312.1 to the department of management for  
33 the fiscal year beginning July 1, 2012, and ending June 30,  
34 2013, the following amount, or so much thereof as is necessary,  
35 to be used for the purposes designated:

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1 For salaries, support, maintenance, and miscellaneous  
2 purposes:  
3 ..... \$ ~~28,000~~  
4 56,000

5 Sec. 20. 2011 Iowa Acts, chapter 127, section 82, is amended  
6 to read as follows:

7 SEC. 82. DEPARTMENT OF REVENUE.

8 1. There is appropriated from the general fund of the state  
9 to the department of revenue for the fiscal year beginning July  
10 1, 2012, and ending June 30, 2013, the following amounts, or  
11 so much thereof as is necessary, to be used for the purposes  
12 designated:

13 For salaries, support, maintenance, and miscellaneous  
14 purposes, and for not more than the following full-time  
15 equivalent positions:  
16 ..... \$ ~~8,829,742~~  
17 17,659,484  
18 ..... FTEs ~~303.48~~  
19 309.00

20 2. Of the funds appropriated pursuant to this section,  
21 \$400,000 shall be used to pay the direct costs of compliance  
22 related to the collection and distribution of local sales and  
23 services taxes imposed pursuant to chapters 423B and 423E.

24 3. The director of revenue shall prepare and issue a state  
25 appraisal manual and the revisions to the state appraisal  
26 manual as provided in section 421.17, subsection 17, without  
27 cost to a city or county.

28 Sec. 21. 2011 Iowa Acts, chapter 127, section 83, is amended  
29 to read as follows:

30 SEC. 83. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is  
31 appropriated from the motor fuel tax fund created by section  
32 452A.77 to the department of revenue for the fiscal year  
33 beginning July 1, 2012, and ending June 30, 2013, the following  
34 amount, or so much thereof as is necessary, to be used for the  
35 purposes designated:

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1 For salaries, support, maintenance, miscellaneous purposes,  
2 and for administration and enforcement of the provisions of  
3 chapter 452A and the motor vehicle use tax program:

4 ..... \$ ~~652,888~~  
5 1,305,775

6 Sec. 22. 2011 Iowa Acts, chapter 127, section 84, is amended  
7 to read as follows:

8 SEC. 84. SECRETARY OF STATE.

9 1. There is appropriated from the general fund of the state  
10 to the office of the secretary of state for the fiscal year  
11 beginning July 1, 2012, and ending June 30, 2013, the following  
12 amounts, or so much thereof as is necessary, to be used for the  
13 purposes designated:

14 For salaries, support, maintenance, and miscellaneous  
15 purposes, and for not more than the following full-time  
16 equivalent positions:

17 ..... \$ ~~1,447,793~~  
18 2,895,585  
19 ..... FTEs ~~45.00~~  
20 34.00

21 2. The state department or state agency which provides  
22 data processing services to support voter registration file  
23 maintenance and storage shall provide those services without  
24 charge.

25 Sec. 23. 2011 Iowa Acts, chapter 127, section 86, is amended  
26 to read as follows:

27 SEC. 86. TREASURER.

28 1. There is appropriated from the general fund of the  
29 state to the office of treasurer of state for the fiscal year  
30 beginning July 1, 2012, and ending June 30, 2013, the following  
31 amount, or so much thereof as is necessary, to be used for the  
32 purposes designated:

33 For salaries, support, maintenance, and miscellaneous  
34 purposes, and for not more than the following full-time  
35 equivalent positions:

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1 ..... \$ 427,145  
2 ..... 854,289  
3 ..... FTEs 28.80  
4 2. The office of treasurer of state shall supply clerical  
5 and secretarial support for the executive council.  
6 Sec. 24. 2011 Iowa Acts, chapter 127, section 87, is amended  
7 to read as follows:  
8 SEC. 87. ROAD USE TAX APPROPRIATION — OFFICE OF TREASURER  
9 OF STATE. There is appropriated from the road use tax fund  
10 created in section 312.1 to the office of treasurer of state  
11 for the fiscal year beginning July 1, 2012, and ending June 30,  
12 2013, the following amount, or so much thereof as is necessary,  
13 to be used for the purposes designated:  
14 For enterprise resource management costs related to the  
15 distribution of road use tax funds:  
16 ..... \$ 46,574  
17 ..... 93,148  
18 Sec. 25. 2011 Iowa Acts, chapter 127, section 88, is amended  
19 to read as follows:  
20 SEC. 88. IPERS — GENERAL OFFICE. There is appropriated  
21 from the Iowa public employees' retirement system fund to the  
22 Iowa public employees' retirement system for the fiscal year  
23 beginning July 1, 2012, and ending June 30, 2013, the following  
24 amount, or so much thereof as is necessary, to be used for the  
25 purposes designated:  
26 For salaries, support, maintenance, and other operational  
27 purposes to pay the costs of the Iowa public employees'  
28 retirement system, and for not more than the following  
29 full-time equivalent positions:  
30 ..... \$ 8,843,484  
31 ..... 17,686,968  
32 ..... FTEs 90.13  
33 Sec. 26. REPEAL. 2011 Iowa Acts, chapter 129, section 149,  
34 is repealed.

EXPLANATION

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1 This bill relates to moneys appropriated to various state  
2 departments, agencies, and funds for the fiscal year beginning  
3 July 1, 2012, and ending June 30, 2013. The bill relates to  
4 appropriations to state departments and agencies including the  
5 department of administrative services, Iowa telecommunications  
6 and technology commission, auditor of state, Iowa ethics and  
7 campaign disclosure board, department of commerce, offices of  
8 governor and lieutenant governor, the governor's office of  
9 drug control policy, department of human rights, department of  
10 inspections and appeals, department of management, department  
11 of revenue, secretary of state, treasurer of state, and Iowa  
12 public employees' retirement system.



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**Senate File 2314 - Introduced**

SENATE FILE 2314  
BY COMMITTEE ON APPROPRIATIONS  
  
(SUCCESSOR TO SSB 3175)

**A BILL FOR**

1 An Act relating to transportation and other  
2 infrastructure-related appropriations to the department  
3 of transportation, including allocation and use of moneys  
4 from the road use tax fund and the primary road fund, and  
5 providing for properly related matters.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I  
2 APPROPRIATIONS AND EFFICIENCY MEASURES  
3 Section 1. 2011 Iowa Acts, chapter 125, section 3, is  
4 amended to read as follows:  
5 SEC. 3. ROAD USE TAX FUND. There is appropriated from the  
6 road use tax fund created in section 312.1 to the department of  
7 transportation for the fiscal year beginning July 1, 2012, and  
8 ending June 30, 2013, the following amounts, or so much thereof  
9 as is necessary, to be used for the purposes designated:  
10 1. For the payment of costs associated with the production  
11 of driver's licenses, as defined in section 321.1, subsection  
12 20A:  
13 ..... \$ 3,876,000  
14 Notwithstanding section 8.33, moneys appropriated in this  
15 subsection that remain unencumbered or unobligated at the close  
16 of the fiscal year shall not revert but shall remain available  
17 for expenditure for the purposes specified in this subsection  
18 until the close of the succeeding fiscal year.  
19 2. For salaries, support, maintenance, and miscellaneous  
20 purposes:  
21 a. Operations:  
22 ..... \$ ~~3,285,000~~  
23 6,570,000  
24 b. Planning:  
25 ..... \$ ~~229,000~~  
26 458,000  
27 c. Motor vehicles:  
28 ..... \$ ~~16,960,500~~  
29 33,921,000  
30 3. For payments to the department of administrative  
31 services for utility services:  
32 ..... \$ ~~112,500~~  
33 228,000  
34 4. Unemployment compensation:  
35 ..... \$ ~~3,500~~

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1 7,000  
2 5. For payments to the department of administrative  
3 services for paying workers' compensation claims under chapter  
4 85 on behalf of employees of the department of transportation:  
5 ..... \$ ~~59,500~~  
6 121,000  
7 6. For payment to the general fund of the state for indirect  
8 cost recoveries:  
9 ..... \$ ~~39,000~~  
10 78,000  
11 7. For reimbursement to the auditor of state for audit  
12 expenses as provided in section 11.5B:  
13 ..... \$ ~~33,660~~  
14 67,319  
15 8. For automation, telecommunications, and related costs  
16 associated with the county issuance of driver's licenses and  
17 vehicle registrations and titles:  
18 ..... \$ ~~703,000~~  
19 1,406,000  
20 9. For transfer to the department of public safety for  
21 operating a system providing toll-free telephone road and  
22 weather conditions information:  
23 ..... \$ ~~50,000~~  
24 100,000  
25 10. For costs associated with the participation in the  
26 Mississippi river parkway commission:  
27 ..... \$ ~~20,000~~  
28 40,000  
29 11. For motor vehicle division field facility maintenance  
30 projects at various locations:  
31 ..... \$ 200,000  
32 12. For scale replacement projects at various locations:  
33 ..... \$ 550,000  
34 For purposes of section 8.33, unless specifically provided  
35 otherwise, moneys appropriated in subsections 11 and 12 that



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1 remain unencumbered or unobligated shall not revert but shall  
2 remain available for expenditure for the purposes designated  
3 until the close of the fiscal year that ends three years after  
4 the end of the fiscal year for which the appropriation was  
5 made. However, if the projects for which the appropriation  
6 was made are completed in an earlier fiscal year, unencumbered  
7 or unobligated moneys shall revert at the close of that same  
8 fiscal year.

9 Sec. 2. 2011 Iowa Acts, chapter 125, section 4, is amended  
10 to read as follows:

11 SEC. 4. PRIMARY ROAD FUND. There is appropriated from the  
12 primary road fund created in section 313.3 to the department of  
13 transportation for the fiscal year beginning July 1, 2012, and  
14 ending June 30, 2013, the following amounts, or so much thereof  
15 as is necessary, to be used for the purposes designated:

16 1. For salaries, support, maintenance, miscellaneous  
17 purposes, and for not more than the following full-time  
18 equivalent positions:

19 a. Operations:

20 .....	\$	20,178,265
21 .....		<u>40,607,023</u>
22 .....	FTEs	296.00
23 .....		<u>282.00</u>

24 b. Planning:

25 .....	\$	4,348,548
26 .....		<u>8,697,095</u>
27 .....	FTEs	121.00
28 .....		<u>113.00</u>

29 c. Highways:

30 .....	\$	115,456,996
31 .....		<u>232,672,498</u>
32 .....	FTEs	2,247.00
33 .....		<u>2,065.00</u>

34 d. Motor vehicles:

35 .....	\$	706,770
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1		<u>1,413,540</u>
2	..... FTEs	<u>445,000</u>
3		<u>410,000</u>
4	2. For payments to the department of administrative	
5	services for utility services:	
6	..... \$	<u>694,000</u>
7		<u>1,404,000</u>
8	3. Unemployment compensation:	
9	..... \$	<u>69,000</u>
10		<u>138,000</u>
11	4. For payments to the department of administrative	
12	services for paying workers' compensation claims under	
13	chapter 85 on behalf of the employees of the department of	
14	transportation:	
15	..... \$	<u>1,423,000</u>
16		<u>2,889,000</u>
17	5. For disposal of hazardous wastes from field locations and	
18	the central complex:	
19	..... \$	<u>400,000</u>
20		<u>800,000</u>
21	6. For payment to the general fund of the state for indirect	
22	cost recoveries:	
23	..... \$	<u>286,000</u>
24		<u>572,000</u>
25	7. For reimbursement to the auditor of state for audit	
26	expenses as provided in section 11.5B:	
27	..... \$	<u>207,591</u>
28		<u>415,181</u>
29	8. For costs associated with producing transportation maps:	
30	..... \$	<u>121,000</u>
31		<u>242,000</u>
32	9. For inventory and equipment replacement:	
33	..... \$	<u>2,683,000</u>
34		<u>5,366,000</u>
35	10. For utility improvements at various locations:	

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1 ..... \$ 400,000  
2 11. For roofing projects at various locations:  
3 ..... \$ 200,000  
4 12. For heating, cooling, and exhaust system improvements  
5 at various locations:  
6 ..... \$ 200,000  
7 13. For deferred maintenance projects at field facilities  
8 throughout the state:  
9 ..... \$ 1,000,000  
10 14. For wastewater treatment improvements at various  
11 locations:  
12 ..... \$ 1,000,000  
13 15. For replacement of the New Hampton combined facility:  
14 ..... \$ 5,200,000  
15 For purposes of section 8.33, unless specifically provided  
16 otherwise, moneys appropriated in subsections 10 through 15  
17 that remain unencumbered or unobligated shall not revert  
18 but shall remain available for expenditure for the purposes  
19 designated until the close of the fiscal year that ends  
20 three years after the end of the fiscal year for which the  
21 appropriation was made. However, if the project or projects  
22 for which such appropriation was made are completed in an  
23 earlier fiscal year, unencumbered or unobligated moneys shall  
24 revert at the close of that same fiscal year.  
25 Sec. 3. ROAD USE TAX FUND EFFICIENCY MEASURES —  
26 QUARTERLY REPORTS. The department of transportation shall  
27 submit quarterly reports in an electronic format to the  
28 co-chairpersons of the joint appropriations subcommittee on  
29 transportation, infrastructure, and capitals, the chairpersons  
30 of the senate and house standing committees on transportation,  
31 the department of management, and the legislative services  
32 agency regarding the implementation of efficiency measures  
33 identified in the "Road Use Tax Fund Efficiency Report",  
34 January 2012. The reports shall provide details of activities  
35 undertaken in the previous quarter relating to one-time and

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1 long-term program efficiencies and partnership efficiencies.  
2 Issues to be covered in the reports shall include but are  
3 not limited to savings realized from the implementation of  
4 particular efficiency measures; updates concerning measures  
5 that have not been implemented; efforts involving cities,  
6 counties, other jurisdictions, or stakeholder interest groups;  
7 any new efficiency measures identified or undertaken; and  
8 identification of any legislative action that may be required  
9 to achieve efficiencies. The first report shall be submitted  
10 by October 1, 2012.

11 DIVISION II

12 STATUTORY CHANGES

13 Sec. 4. Section 321.180B, subsection 2, paragraph a, Code  
14 Supplement 2011, is amended to read as follows:

15 a. The department may issue an intermediate driver's license  
16 to a person sixteen or seventeen years of age who possesses an  
17 instruction permit issued under subsection 1 or a comparable  
18 instruction permit issued by another state for a minimum of  
19 ~~six~~ twelve months immediately preceding application, and  
20 who presents an affidavit signed by a parent, guardian, or  
21 custodian on a form to be provided by the department that the  
22 permittee has accumulated a total of twenty hours of street  
23 or highway driving of which two hours were conducted after  
24 sunset and before sunrise and the street or highway driving was  
25 with the permittee's parent, guardian, custodian, instructor,  
26 a person certified by the department, or a person at least  
27 twenty-five years of age who had written permission from a  
28 parent, guardian, or custodian to accompany the permittee, and  
29 whose driving privileges have not been suspended, revoked,  
30 or barred under this chapter or chapter 321J during, and  
31 who has been accident and violation free continuously for,  
32 the ~~six-month~~ twelve-month period immediately preceding the  
33 application for an intermediate license. An applicant for an  
34 intermediate license must meet the requirements of section  
35 321.186, including satisfactory completion of driver education

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1 as required in section 321.178, and payment of the required  
2 license fee before an intermediate license will be issued. A  
3 person issued an intermediate license must limit the number of  
4 passengers in the motor vehicle when the intermediate licensee  
5 is operating the motor vehicle to the number of passenger  
6 safety belts.

7 Sec. 5. Section 321.180B, subsection 3, paragraph a, Code  
8 Supplement 2011, is amended to read as follows:

9 a. A person who has been issued an instruction permit,  
10 an intermediate license, or a full driver's license under  
11 this section, upon conviction of a moving traffic violation  
12 or involvement in a motor vehicle accident which occurred  
13 during the term of the instruction permit or intermediate  
14 license, shall be subject to remedial driver improvement action  
15 or suspension of the permit or current license. A person  
16 possessing an instruction permit who has been convicted of a  
17 moving traffic violation or has been involved in an accident  
18 shall not be issued an intermediate license until the person  
19 has completed the remedial driver improvement action and has  
20 been accident and violation free continuously for the ~~six-month~~  
21 twelve-month period immediately preceding the application for  
22 the intermediate license. A person possessing an intermediate  
23 license who has been convicted of a moving traffic violation  
24 or has been involved in an accident shall not be issued a full  
25 driver's license until the person has completed the remedial  
26 driver improvement action and has been accident and violation  
27 free continuously for the twelve-month period immediately  
28 preceding the application for a full driver's license.

29 EXPLANATION

30 This bill relates to appropriations for FY 2012-2013  
31 from the road use tax fund and the primary road fund to the  
32 department of transportation.

33 APPROPRIATIONS AND EFFICIENCY MEASURES. The bill increases  
34 certain appropriations from the road use tax fund to the  
35 department for FY 2012-2013 which were enacted in 2011 Iowa

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1 Acts, chapter 125. The affected appropriations are for  
2 operations, planning, and motor vehicles; utility services  
3 provided by the department of administrative services;  
4 unemployment and workers' compensation; indirect cost  
5 recoveries; audits; county issuance of driver's licenses and  
6 motor vehicle registration and titling; a system providing  
7 toll-free telephone and weather reports; and participation in  
8 the Mississippi river parkway commission.

9 The bill increases certain appropriations from the primary  
10 road fund to the department for FY 2012-2013 which were enacted  
11 in 2011 Iowa Acts, chapter 125. The affected appropriations  
12 are for operations, planning, highways, and motor vehicles;  
13 utility services provided by the department of administrative  
14 services; unemployment and workers' compensation; hazardous  
15 waste disposal; indirect cost recoveries; audits; production of  
16 transportation maps; and inventory and equipment replacement.

17 In January 2012, the department of transportation issued  
18 the "Road Use Tax Fund Efficiency Report", which identified  
19 efficiency measures to be undertaken by the department alone  
20 and in partnership with local jurisdictions, organizations,  
21 and stakeholders to reduce the cost of managing Iowa's road  
22 system. Savings realized as a result of the efficiency  
23 measures are to be directed toward infrastructure investments.  
24 The bill requires the department to submit quarterly reports  
25 beginning October 1, 2012, to the co-chairpersons of the joint  
26 appropriations subcommittee on transportation, infrastructure,  
27 and capitals, the chairpersons of the senate and house standing  
28 committees on transportation, the department of management, and  
29 the legislative services agency regarding the implementation  
30 of efficiency measures identified in the "Road Use Tax Fund  
31 Efficiency Report".

32 STATUTORY CHANGES. The bill amends Code section 321.180B,  
33 relating to graduated driver licensing, by providing that a  
34 person under 18 years of age must hold an instruction permit  
35 for a minimum of 12 months to be eligible for an intermediate

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1 driver's license. In addition, the person must be accident  
2 and violation free continuously for the 12-month period  
3 immediately preceding application for an intermediate license.  
4 Under current law, the required period for an instruction  
5 permit is at least six months and the person must be accident  
6 and violation free continuously for the six-month period  
7 immediately preceding application for an intermediate license.



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**Senate Study Bill 3190 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

**A BILL FOR**

1 An Act creating a sales tax exemption for the sales price  
2 of furnishing parking facilities services and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6019XC (1) 84  
mm/sc



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1 Section 1. Section 423.2, subsection 6, paragraph a, Code  
2 Supplement 2011, is amended to read as follows:  
3 a. The sales price of any of the following enumerated  
4 services is subject to the tax imposed by subsection  
5 5: alteration and garment repair; armored car; vehicle repair;  
6 battery, tire, and allied; investment counseling; service  
7 charges of all financial institutions; barber and beauty;  
8 boat repair; vehicle wash and wax; campgrounds; carpentry;  
9 roof, shingle, and glass repair; dance schools and dance  
10 studios; dating services; dry cleaning, pressing, dyeing, and  
11 laundering; electrical and electronic repair and installation;  
12 excavating and grading; farm implement repair of all kinds;  
13 flying service; furniture, rug, carpet, and upholstery  
14 repair and cleaning; fur storage and repair; golf and country  
15 clubs and all commercial recreation; gun and camera repair;  
16 house and building moving; household appliance, television,  
17 and radio repair; janitorial and building maintenance or  
18 cleaning; jewelry and watch repair; lawn care, landscaping,  
19 and tree trimming and removal; limousine service, including  
20 driver; machine operator; machine repair of all kinds; motor  
21 repair; motorcycle, scooter, and bicycle repair; oilers and  
22 lubricators; office and business machine repair; painting,  
23 papering, and interior decorating; ~~parking facilities~~; pay  
24 television; pet grooming; pipe fitting and plumbing; wood  
25 preparation; executive search agencies; private employment  
26 agencies, excluding services for placing a person in employment  
27 where the principal place of employment of that person is  
28 to be located outside of the state; reflexology; security  
29 and detective services; sewage services for nonresidential  
30 commercial operations; sewing and stitching; shoe repair  
31 and shoeshine; sign construction and installation; storage  
32 of household goods, mini-storage, and warehousing of raw  
33 agricultural products; swimming pool cleaning and maintenance;  
34 tanning beds or salons; taxidermy services; telephone  
35 answering service; test laboratories, including mobile testing



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1 laboratories and field testing by testing laboratories, and  
2 excluding tests on humans or animals; termite, bug, roach, and  
3 pest eradicators; tin and sheet metal repair; transportation  
4 service consisting of the rental of recreational vehicles or  
5 recreational boats, or the rental of motor vehicles subject  
6 to registration which are registered for a gross weight of  
7 thirteen tons or less for a period of sixty days or less, or  
8 the rental of aircraft for a period of sixty days or less;  
9 Turkish baths, massage, and reducing salons, excluding services  
10 provided by massage therapists licensed under chapter 152C;  
11 water conditioning and softening; weighing; welding; well  
12 drilling; wrapping, packing, and packaging of merchandise other  
13 than processed meat, fish, fowl, and vegetables; wrecking  
14 service; wrecker and towing.

15     Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
16 immediate importance, takes effect upon enactment.

17                                   EXPLANATION

18     This bill removes "parking facilities" from the list of  
19 enumerated services subject to sales tax in the state. The  
20 bill takes effect immediately upon enactment.